

APPLICATION ACCEPTED: March 28, 2012 PLANNING COMMISSION: July 12, 2012

BOARD OF SUPERVISORS: Not yet scheduled

County of Fairfax, Virginia

June 28, 2012

STAFF REPORT

APPLICATION SE 2012-DR-003

DRANESVILLE DISTRICT

APPLICANT:

TD Bank, N.A.

PRESENT ZONING:

C-5

PARCELS:

31-3 ((1)) 112A & 116A pt

SITE AREA:

29,595 square feet

PLAN MAP:

Retail & Other

SPECIAL EXCEPTION CATEGORY:

Category 5: Drive-In Financial Institution

Category 6: Waiver of Minimum Lot Size

Requirements

PROPOSAL:

To permit a drive-in financial institution and a waiver of the minimum lot size requirements

STAFF RECOMMENDATIONS:

Staff recommends approval of SE 2012-DR-003, subject to the proposed development conditions contained in Appendix 1.

Staff recommends approval of a waiver of the minimum lot size requirements to permit a lot area of 29,595 square feet instead of the required 40,000 square feet.

Staff recommends approval of a modification of the transitional screening and waiver of the barrier requirements along the site's southern boundary along Old Dominion Drive and a modification of the transitional screening and barrier requirements along the site's northern and northeastern boundaries in favor of what is shown on the SE Plat.

Megan Brady

Department of Planning and Zoning Zoning Evaluation Division

12055 Government Center Parkway, Suite 801 Fairfax, Virginia 22035-5509

Phone 703-324-1290 FAX 703-324-3924

www.fairfaxcounty.gov/dpz/



Staff recommends approval of a modification of the trail requirement along Old Dominion Drive in favor of the sidewalks shown on the SE Plat.

Staff recommends approval of a waiver of the loading space requirement for the drive-in financial institution use.

It should be noted that it is not the intent of the staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

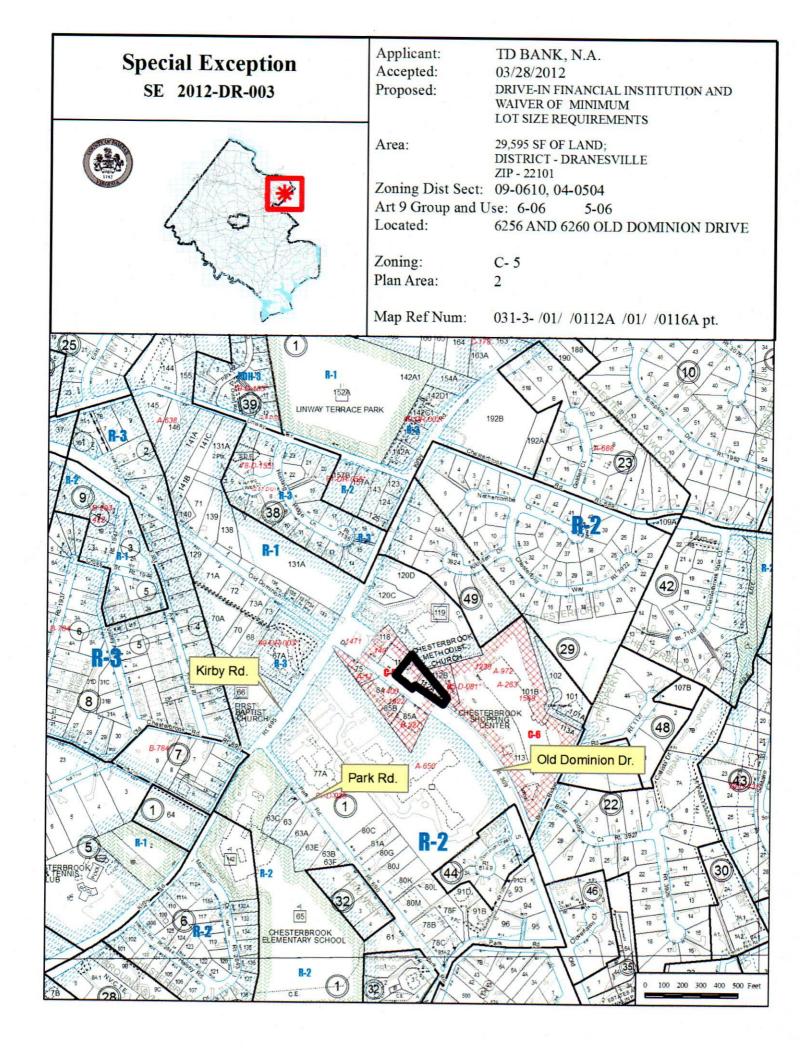
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

It should be noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.

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SPECIAL EXCEPTION PLAT

FOR

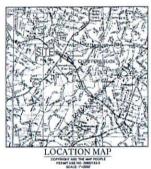
PROPOSED TD BANK



LOCATION OF SITE

6256 & 6260 OLD DOMINION DRIVE TAX MAP # 313 01 116A, PART OF PARCEL 116A TAX MAP # 313 01 112A, PARCEL 112A MCLEAN, FAIRFAX COUNTY, VA







CONTACT INFORMATION

REF	EREN	CES	

BOUNDARY & TOPOGRAPHIC/ALTA SURVEY.
BONLER ENGINEERING
BYTTLED TAIL AND THE SURVEY
BYTTLED TAIL AND THE SURVEY
BRANESVILLE DISTRICT FAIRFAX COUNTY,
WIRGINAT
PROJECTS 55107537
DATE 1118(1)

WHITESTONE ASSOCIATES, INC ENTIRLED "REPORT OF GEOTECHNICAL INVESTIGATION, PROP TO BANK STE, 256 & 250 OLD DOMINION DRIVE, UCLEAN FAIRFAX COUNTY, VA PROJECT'F GP111870.000 DATE 1/1201

UTILITY CONTACTS COX COMMUNICATION (UTILIQUEST) PHONE. (703) 754-2116

FAIRFAX WATER (DOUBLE H) PHONE: (540) 364-2005

SHEET INDEX	
SHEET TITLE	SHEET NUMBER
COVER SHEET	1
EXISTING CONDITIONS PLAN / EXISTING VEGETATION MAP	2
SPECIAL EXCEPTION PLAT	3
LANDSCAPE PLAN	4
PRELIMINARY STORMWATER MANAGEMENT PLAN	5
BUILDING FLEVATIONS / DETAILS	6

OWNER

DEVELOPER

PREPARED BY



22630 DAVIS DRIVE, SUITE 200 STERLING, VIRGINIA 20164 Phone: (703) 709-9500 Fax: (703) 709-9501

www.BohlerEngineering.com

CONTACT: TRAVIS D'AMICO

WAIVERS AND MODIFICATIONS REQUESTED WITH THIS PLAN

REQUIREMENT	CODE	SECTION	REQD./PRVD.
MINIMUM LOT AREA	ZONING ORDINANCE	4-506(1)	40,000 REQUIRED 29,596 PROVIDED
TRANSITIONAL SCHEENING BARRIER (PORTION OF GLD DOMINION DRIVE)	ZONING ORDINANCE	13-304(4)(B) OR (C)	42-48" WOOD FENCE OR EVERGREEN HEDGE WITH ULTIMATE HEIGHT OF 42-48" NO BARRIER PROVIDED
TRANSITIONAL SCREENING WIDTH (PORTION OF OLD DOMINION DRIVE)	ZONING	13-363(3 XA)	25' WIDE SCREENING AREA REQUIRED O' WIDE SCREENING AREA PROVIDED
PERIPHERAL PARKING LOT LANDSCAPING (OLD DOMINION DRIVE)	ZONING ORDINANCE	13-203(2)(A)	10' WIDE STRIP WITH ONE (1) TREE PER 40 LF REQUIRED D' WIDE STRIP WITH THREE (3) TREES PLANTED IN STRIP ADJACENT TO SERVICE DRIVE PROVIDED
LOADING SPACE	ZONING ORDINANCE	11-203(6)	ONE (1) LOADING SPACE REQUIRED NO LOADING SPACE PROVIDED
TRAIL ACCESS REQUIREMENT			MODIFICATION OF TRAIL ACCESS REQUIREMENT, IN FAVOR OF WHAT IS SHOWN ON THE SPECIAL EXCEPTION PLAT



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NOT APPROVED FOR CONSTRUCTION

SPECIAL EXCEPTION

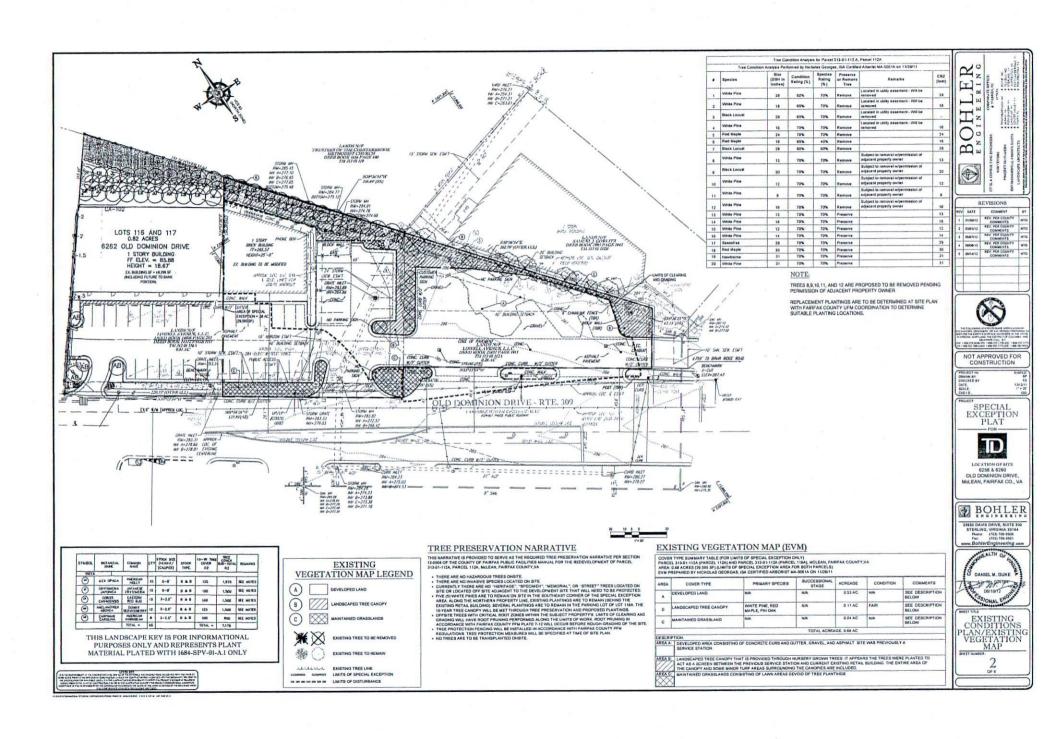


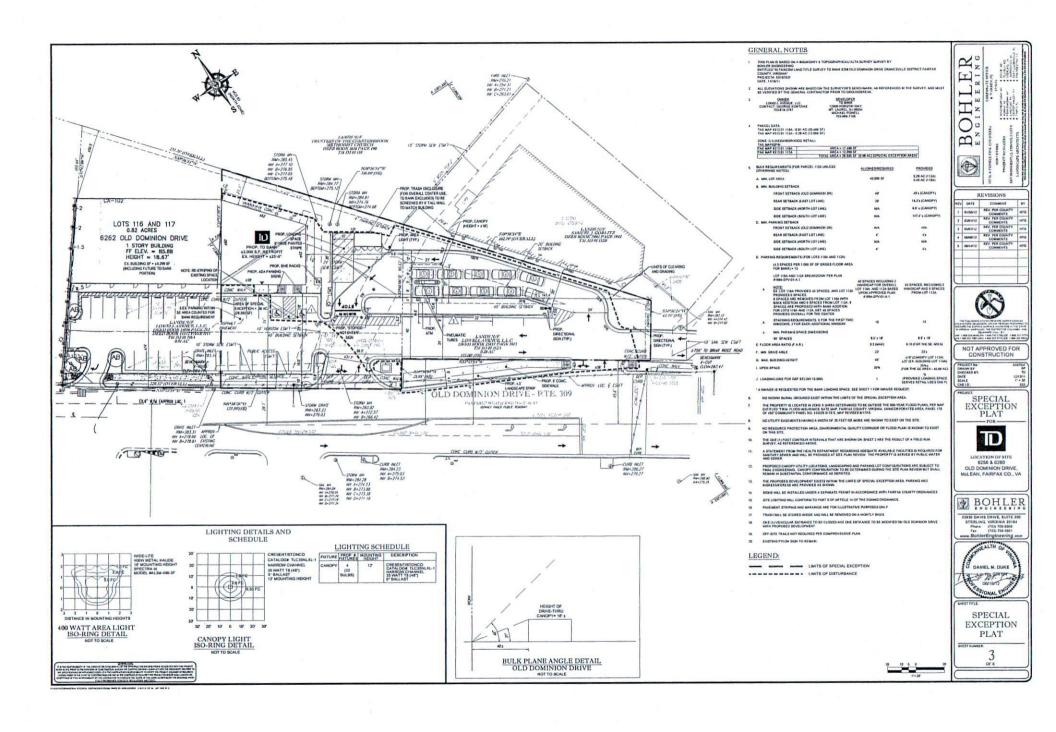
6256 & 6260 McLEAN, FAIRFAX CO., VA

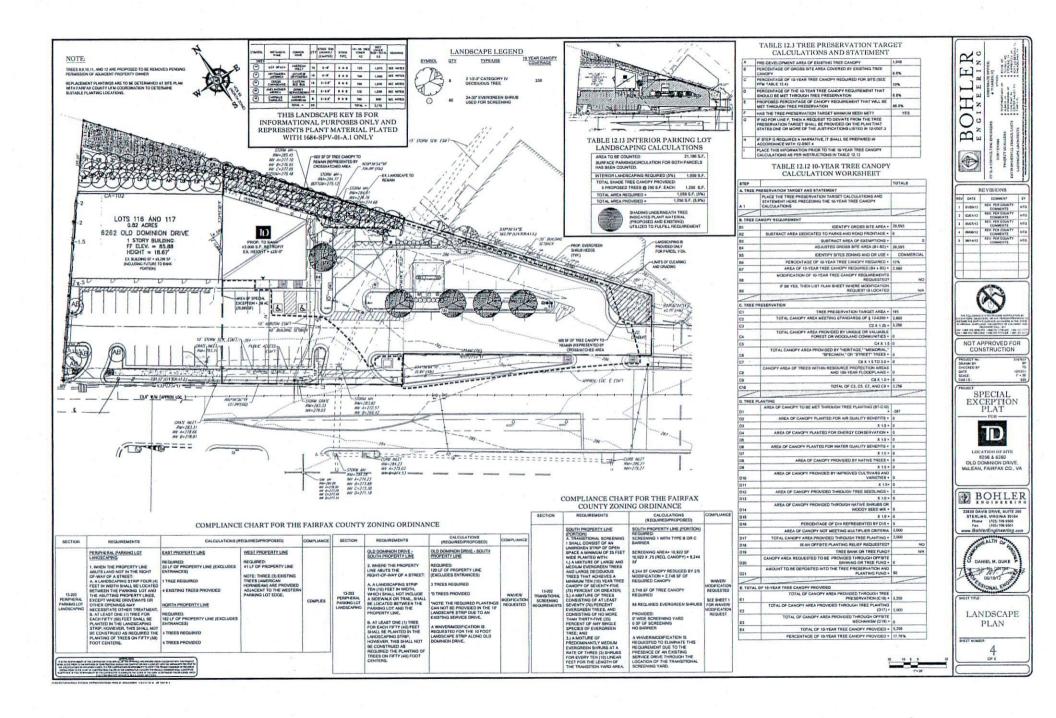


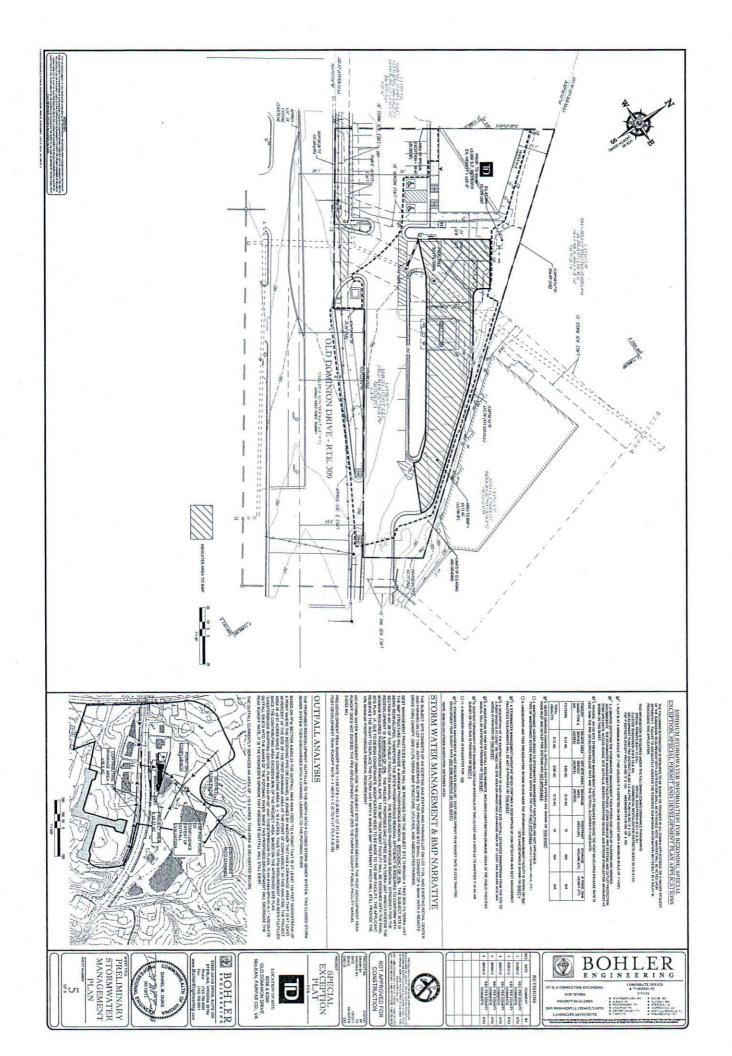


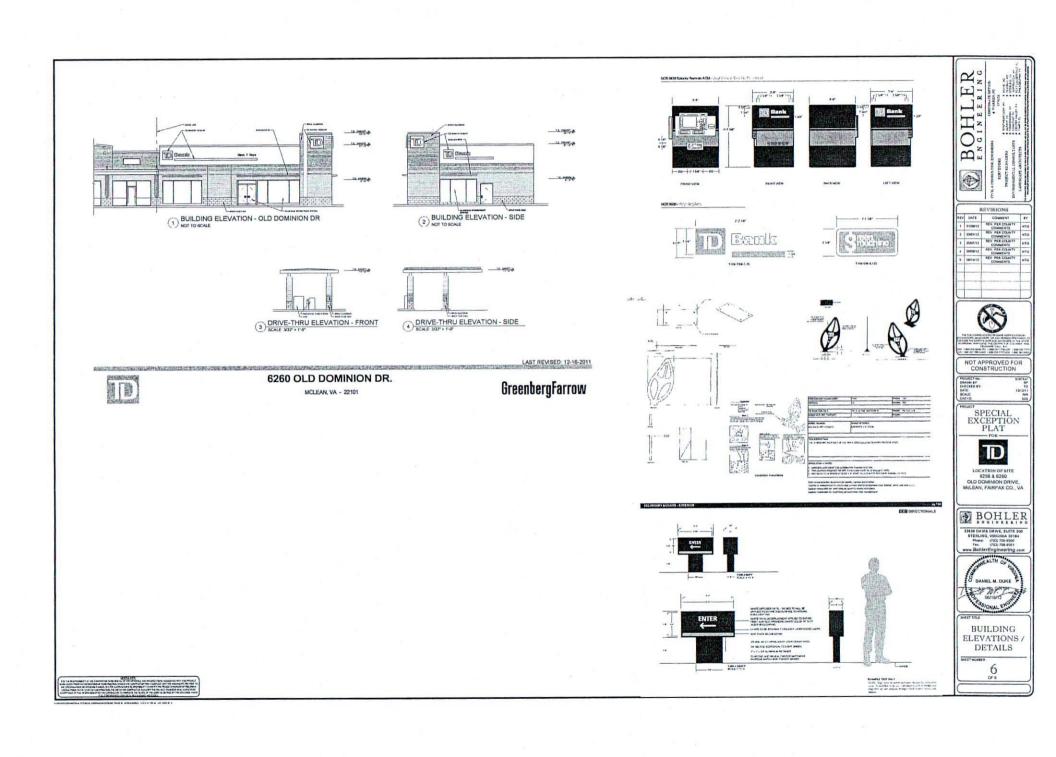
COVER SHEET







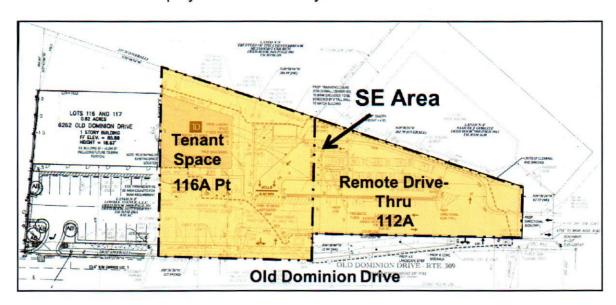




A GLOSSARY OF TERMS FREQUENTLY USED IN STAFF REPORTS WILL BE FOUND AT THE BACK OF THIS REPORT

DESCRIPTION OF THE APPLICATION

The applicant, TD Bank, N.A., seeks a special exception to allow a drive-in financial institution and a waiver of the minimum lot area. The applicant proposes to lease an existing vacant tenant space in the Chesterbrook Plaza shopping center (parcel 116A) to house the financial institution lobby and plans to construct a two-lane remote drive-in facility on the parcel immediately adjacent and to the east (parcel 112A), as shown in the image below. The proposed drive-in financial institution would operate on a daily basis with varying daily hours and an estimated maximum of nine employees on site at any one time.



Pursuant to Section 4-505 of the Zoning Ordinance, a drive-in financial institution use is a by-right use in the C-5 zoning district when the use is located within a building of a shopping center with at least six other uses that are connected by party walls or partitions; if these conditions are not met, special exception approval is required. Although the applicant's proposed tenant space is within a shopping center in the C-5 zoning district that currently contains six uses, the proposed two-lane remote drive-in facility will not be connected to this tenant space by party walls or partitions and, therefore, special exception approval is required. The applicant's additional special exception request under Section 9-610 (Waiver of Minimum Lot Size requirements) seeks to allow a special exception area of 29,595 square feet, which is 10,405 square feet less than the C-5 zoning district's minimum lot area requirement of 40,000 square feet.

The applicant plans to perform interior renovations and exterior facade alterations to the existing tenant space in Chesterbrook Plaza; however, no modifications to the shopping center's building footprint are proposed and the exterior facade would remain consistent with the brick cladding of the existing shopping center. A canopy structure is proposed on the adjacent parcel to house the detached two-lane remote drive-in operation, which would provide both ATM and pneumatic tube services. This proposed canopy features brick and other materials consistent with those used in the existing Chesterbrook Plaza.

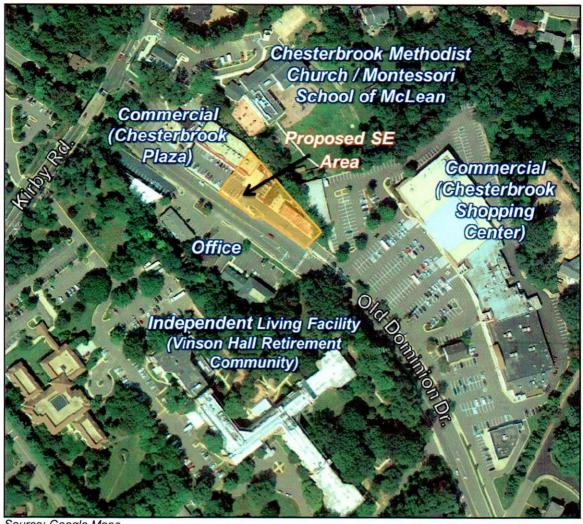
The applicant requests the following waivers and modifications with this application:

- Waiver of the minimum lot size requirements to permit a lot area of 29,595 square feet instead of the required 40,000 square feet;
- Modification of the transitional screening and waiver of the barrier requirements along the site's southern boundary along Old Dominion Drive and a modification of the transitional screening and barrier requirements along the site's northern and northeastern boundaries in favor of what is shown on the SE Plat;
- Modification of the trail requirement along Old Dominion Drive in favor of the sidewalks shown on the SE Plat; and,
- Waiver of the loading space requirement for the drive-in financial institution use.

These waivers and modifications are further discussed in the Zoning Ordinance Provisions section of this report.

LOCATION AND CHARACTER

The subject property is located in the Dranesville Magisterial District proximate to the intersection of Old Dominion Drive and Kirby Road. The application area includes two separate parcels along Old Dominion Drive as shown in the image below: part of parcel 116A and parcel 112A. Parcel 116A contains a small shopping center (Chesterbrook Plaza) that currently houses a variety of neighborhood-serving uses, such as several personal service establishments and a medical office. Parcel 112A, a currently vacant 12,099 square foot parcel, is adjacent to parcel 116A to the east. Chesterbrook Shopping Center is adjacent and to the east of parcel 112A and provides additional commercial uses within the neighborhood. The image and corresponding text below summarize the zoning district, use, and plan designations for the surrounding parcels.



Source: Google Maps

Northwest:

Chesterbrook Plaza (C-5)

Plan: Retail & Other

North:

Chesterbrook Methodist Church / Montessori School of McLean (Child Care Center / School of General Education)

(R-2; SPA 80-D-068)

Plan: Residential, 1 – 2 du/ac

Northeast:

Chesterbrook Shopping Center (C-6)

Plan: Retail & Other

Southeast:

Vinson Hall Retirement Community (R-2; SEA 87-D-025)

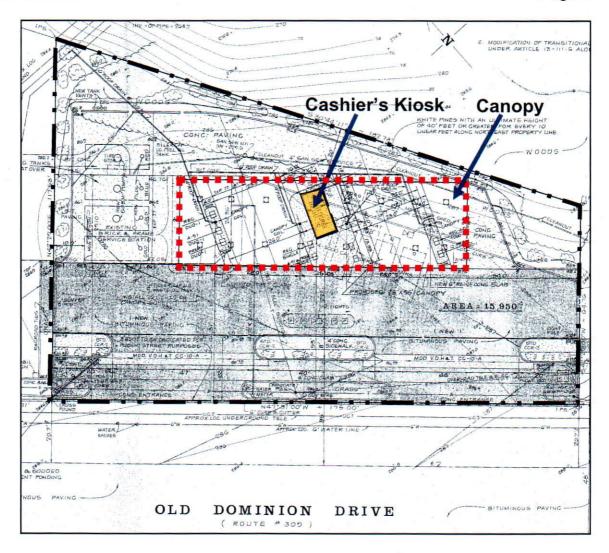
Plan: Public Facilities

South/Southwest: Office (C-5)

Plan: Retail & Other

BACKGROUND

On January 14, 1980, the Board of Supervisors approved SE 84-D-079 for a modification and expansion of a service station use on parcel 112A with conditions. The image below is an excerpt from the SE Plat that highlights the location of the canopy and cashier's kiosk.



On August 5, 1982, the Department of Public Works and Environmental Services (DPWES) approved As Built Site Plan #3909-SP-01-3, entitled "As-Built Site Plan for Amoco Oil Company," for a service station, cashier's kiosk, and canopy. The service station use on this site has since been discontinued and the associated structures have been demolished. The applicant indicates in the Statement of Justification (Appendix 3) that the Commonwealth of Virginia Department of Environmental Quality concluded in a letter dated September 7, 2011 that the closure requirements have been met for the underground storage tanks associated with the service station use.

On December 17, 2004, DPWES approved Site Plan 1684-SP-001-3 for the construction of Chesterbrook Plaza. This site plan depicts a shopping center structure containing 9,299 square feet, 40 parking spaces, and one loading space. The landscape plan indicates that interior parking lot landscaping covered approximately 6% of the total area of the parking lot. Two access points are shown on the approved site plan, with the westernmost access point depicted as a right-out only exit. The plan included interparcel connections to the adjacent parcels to the east and west. A site plan revision (1684-SPV-001-A-1) was subsequently approved on September 1, 2005 to allow for the relocation of utilities on the site.

The application properties are not subject to any proffered conditions.

COMPREHENSIVE PLAN PROVISIONS

Plan Area:

Planning District: McLean Planning District

Planning Sector: M3 Kirby Community Planning Sector

Plan Map: Retail & Other

Plan Text:

Although there is no site specific text for the subject property, on page 105 of the Fairfax County Comprehensive Plan, 2011 Edition, McLean Planning District, as amended through March 6, 2012, in the M3 Kirby Community Planning Sector, it states:

The expansion and design improvements of Chesterbrook Shopping Center should be considered within the constraints of currently-zoned commercial space with a maximum intensity of .25 FAR. This facility serves Sector M2 as well as M3 with convenience commercial uses.

In addition, the Fairfax County Comprehensive Plan, Policy Plan, 2011 Edition, Land Use Section as amended through September 22, 2008, Appendix 5, Guidelines for drive-thru windows and other drive-thru facilities, page 19, states:

Drive-thru windows for commercial establishments and other drive-thru facilities have the potential to cause serious on-site and off-site traffic circulation problems. To address these potential problems, drive-thru windows and other drive-thru facilities should be approved only if the size and configuration of the lot are adequate to achieve a safe drive-thru facility, parking circulation and pedestrian system. All activity generated by the use must be accommodated on the site. Noise, glare and other nuisance aspects related to drive-thru facilities must not adversely affect adjacent properties.

These guidelines are further discussed in the Land Use Analysis section of this report.

ANALYSIS

Special Exception Plat (copy at front of staff report)

Title of SE Plat: Special Exception Plat for Proposed TD Bank

Prepared by: Bohler Engineering

Original and Revision Dates: January 30, 2012, through June 18, 2012

Plat Description: The Special Exception Plat (SE Plat) consists

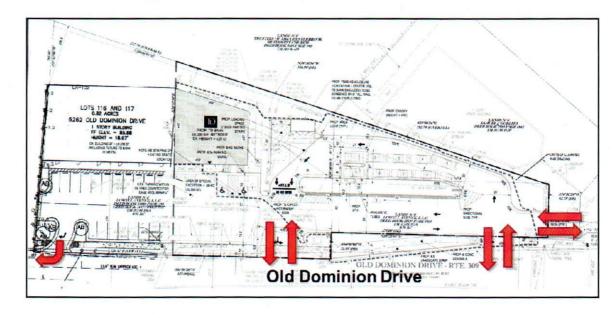
of six sheets.

Sheet 1 is the cover sheet and lists the applicant, owner, and engineer and provides a location map and a zoning map.

Sheet 2 is an Existing Conditions Plan and Existing Vegetation Map. This sheet shows the existing layout of the shopping center, the trees along the north and northeast property boundary, and the existing entrances and exits that currently provide access into and/or out of the shopping center and adjacent parcel 112A. Parcel 112A is shown as currently vacant. This sheet also contains a tree condition analysis and tree preservation narrative.

Sheet 3 is the overall Special Exception plat. The following features are depicted on this sheet:

- Building: This sheet shows the existing shopping center structure in the
 context of the proposed Special Exception area, and delineates the
 proposed 3,000 square feet of tenant space that the applicant intends to
 occupy. Sheet 3 also shows the location of the proposed drive-in canopy
 structure on parcel 112A.
- Access: As shown in the image below, three proposed entrances provide
 access to the site: the existing primary shopping center entrance along
 Old Dominion Drive, an existing entrance along Old Dominion Drive near
 the traffic signal, and an existing service drive that provides access from
 the neighboring shopping center to the east. The applicant is proposing to
 close one existing entrance along Old Dominion Drive through the
 installation of a tapered median. An additional existing right-turn exit-only
 access point is proposed to remain at the west end of the Chesterbrook
 Plaza shopping center.



Parking: The SE Plat shows a surface parking lot that contains 40 parking spaces, and the shopping center currently has 40 parking spaces. The applicant proposes to remove six parking spaces along the eastern property boundary of parcel 116A; however, the addition of one parking space near the proposed bank's entrance and five parallel parking spaces on parcel 112A results in a total of 40 proposed parking spaces on the site.

- Automated Teller Machines (ATM) and Pneumatic Tubes: The SE Plat depicts ATM and pneumatic tube service available for customers at the outer drive-in window closest to Old Dominion Drive. Pneumatic Tube service only (no ATM) is shown at the additional drive-in window.
- Pedestrian Amenities: The SE Plat depicts an existing 5-foot wide concrete sidewalk along the entire frontage of parcel 116A and a proposed 6-foot wide concrete sidewalk and associated landscape strip across the front of parcel 112A where the tapered median is proposed. Several crosswalks are also shown within the shopping center, including the addition of one crosswalk to provide a pedestrian route from the parallel parking spaces on parcel 112A to the tenant space within Chesterbrook Plaza.

Sheet 4 is the Landscape Plan. This sheet depicts the existing and proposed vegetation, tree canopy and tree preservation calculations, and parking lot landscaping tabulations. The proposed vegetation includes the planting of eight large deciduous trees and numerous evergreen shrubs, as well as the preservation of the existing white pine trees at the eastern property boundary and the existing plantings along the site's north/northeastern boundary.

Sheet 5 depicts the Preliminary Stormwater Management Plan, which provides the stormwater management and Best Management Practice (BMP) narrative and the outfall analysis. BMP will be provided for the site through one proposed tree box filterra unit. The applicant's outfall analysis on this sheet indicates that adequate outfall will exist for this site pursuant to the requirements of the Public Facilities Manual (PFM). There are no Resource Protection Areas (RPAs) or floodplains on the site.

Sheet 6 provides building elevations of the proposed tenant space and the drivein canopy structure and depicts possible signage associated with the proposed use.

Land Use Analysis

The applicant intends to lease tenant space within the existing Chesterbrook Plaza shopping center and construct a remote drive-in facility on the adjacent parcel (112A). Several other neighborhood-serving uses already operate within this shopping center; therefore, the proposed use is consistent with and complements the adjacent uses.

The Comprehensive Plan does not contain any site-specific text for the subject property. However, as noted in the Comprehensive Plan Provisions section of this report, Appendix 5 of the Policy Plan outlines guidelines for drive-thru windows and other drive-thru facilities that should be considered in the review of such applications. The Policy Plan states that the size and configuration of the lot should be adequate to achieve a safe drive-thru facility, parking circulation and pedestrian system. The parcel where the remote drive-in facility would be located faces some configuration challenges, notably due to its small overall size (12,099 square feet); however, staff finds that the applicant's proposal generally meets these policy guidelines. The aisle widths, parking dimensions, and parking lot layout are all adequate to facilitate safe parking and drive-thru circulation. In addition, the crosswalks within the shopping center and the existing and proposed sidewalks across the shopping center's frontage provide a safe pedestrian system. The pedestrian and vehicular circulation is further discussed in the transportation analysis section of this report.

The Policy Plan also states that all activity generated by the use must be accommodated on the site, and that noise, glare, and other nuisance aspects related to drive-thru facilities must not adversely affect adjacent properties. Staff believes that the noise generated by the proposed use would be comparable to the noise that is generated by the other commercial uses in the area. Although the speakers that are often associated with drive-thru uses generate additional noise, in this case the noise would primarily be directed toward the commercial property to the rear. Therefore, staff finds that the noise generated by the proposed use would not adversely affect the adjacent properties. Similarly, the proposed configuration of the drive-in aisle on the subject property is such that the glare from vehicles in the drive-in aisle would primarily be directed toward the existing Chesterbrook Plaza shopping center structure. Some glare from the drive-in facility could be directed towards the parcel to the north that currently houses the Chesterbrook Methodist Church; however, this use is adequately screened by the vegetation and 6-foot high wood fence that exist to the rear of parcel 116A. As a result, staff finds that the proposed use would not generate any noise, glare, or other nuisance aspects related to the drive-in operation that would adversely affect adjacent properties.

Overall, staff finds that the proposed drive-in financial institution complements the surrounding uses, adheres to the Policy Plan guidance described above, and is in conformance with the Comprehensive Plan.

Environmental Analysis

There are no environmental issues associated with this application.

Stormwater Management Analysis (Appendix 4)

Issue: BMP and Site Outfall

The applicant proposes to provide stormwater management through the installation of one tree box filterra. Staff from the Site Development and Inspections Division of DPWES reviewed this proposal and indicated that the applicant must demonstrate on the plat that an overall 10% phosphorus removal will be achieved with the proposed filterra box. In addition, staff initially expressed concern with the applicant's method for determining adequate outfall for the site.

Resolution:

The applicant has since revised the SE Plat to demonstrate that 10% phosphorus removal will be achieved with the proposed filterra box. In addition, the plat indicates how the application meets the site outfall requirements pursuant to the requirements of Section 6-0203 of the Public Facilities Manual (PFM). Therefore, staff has determined that this issue has been resolved.

Issue: Stormwater Planning

Staff finds that the applicant's proposal meets the minimum requirements for stormwater management. However, staff from the Stormwater Planning Division (SWPD) suggested that the applicant consider additional "Stormwater Retention and Volume Reduction" stormwater practices or other Low Impact Development (LID) practices to further enhance water quality. Specially, staff suggested that the applicant consider placing a rain garden in the area adjacent to the tenant space or use porous concrete paving and permeable pavement blocks in the parking areas.

Resolution:

The applicant is not proposing any of staff's suggested LID practices described above. The applicant's addition of one tree near the tenant space to meet the interior parking lot landscaping requirements somewhat precludes the ability to provide the desired LID measure in this area. Therefore, staff recommends that the applicant adopt the other staff suggestion of the porous paving materials. Staff believes that the loading space and/or the dumpster pad would be a logical location for these porous paving materials, as this would also help to visually delineate the loading and dumpster area from the drive aisle where cars exit the drive-in. Staff has proposed a development condition that would require the applicant to use a porous concrete paving material for the loading space and/or the dumpster pad, subject to review and approval by DPWES.

Transportation Analysis (Appendices 5 and 6)

Issue: Drive-in Aisle Circulation

The proposed remote drive-in includes two drive-in lanes and a bypass lane. The applicant's initial submission showed a drive aisle width of 18 feet where

cars enter the vehicle stacking area for the remote drive-in. Staff from the Fairfax County Department of Transportation (FCDOT) commented that 18 feet is too narrow to effectively accommodate two lanes of vehicles entering the drive-in queue and that the applicant should widen the entrance to a minimum of 20 feet.

Resolution:

The applicant has revised the SE Plat as requested by staff to address this transportation concern. The proposed entrance to the drive-in is now 20 feet wide, rather than the 18 feet that the applicant initially proposed. Staff believes that this width is sufficient to allow two lanes of vehicles to enter into the remote drive-in facility.

Issue: Access from Old Dominion Drive

The applicant's initial submission prompted three staff issues related to site access from Old Dominion Drive. First, the easternmost entrance to the site was initially proposed to be 47.6 feet in width. Transportation staff noted that this entrance should be 30 to 40 feet in width, and VDOT suggested that it should be 36 feet. Secondly, VDOT also requested that the applicant replace the painted median at the primary shopping center entrance with a raised median to prohibit turns at this entrance. Finally, VDOT commented that the entrances from Old Dominion Drive as shown do not meet the throat length requirements and would, therefore, require a throat length exception from VDOT. Staff's preference is to have this exception processed during the zoning stage of the process.

Resolution:

The updated SE Plat depicts an entrance width of 36 feet, as suggested by VDOT. Therefore, the first access issue has been resolved.

During the review process, VDOT indicated that the applicant could provide historic accident data for the area surrounding the shopping center's primary entrance to determine if the requested median described above is warranted. The applicant submitted the requested accident data to VDOT. Upon evaluation of this information, VDOT determined that a raised median would not be necessary. Instead, double yellow lines should continue to be provided at this entrance. As a result, this additional access issue has also been resolved.

The applicant has not indicated at this point that they have applied for the throat length exceptions through VDOT. However, staff has proposed a development condition that states that the applicant shall submit these exception requests to VDOT prior to final site plan approval and shall implement any required conditions associated with such exception if approved. If the exceptions are not approved, the applicant shall satisfy the applicable throat length requirements as determined by VDOT. In the event that it is determined that it is not possible to satisfy these requirements with a design that is in substantial conformance with the SE Plat, approval of an SEA will be required.

Issue: Loading Space

Initially, the applicant proposed to remove the loading space that currently serves the entire shopping center. Although staff supports a waiver of the loading space for the proposed use, at least one loading space should remain on-site to serve the shopping center as a whole. The applicant's revised SE Plat proposes to relocate, rather than remove, the shopping center's existing loading space. However, the proposed location of the loading space has the potential to create a circulation conflict between vehicles exiting the remote drive-in lanes and vehicles accessing the loading space and dumpster.

Resolution:

Staff's preference would be to eliminate this circulation conflict by finding an alternative location for the loading space; however, the lack of such an alternative location within the existing shopping center site presents a significant challenge. As a result, staff has proposed three development conditions to attempt to resolve potential circulation conflicts between vehicles using the loading space and those exiting the remote drive-in lanes. First, the applicant shall provide striping as now shown on the SE Plat to clearly delineate the vehicular route from the point at which a vehicle exits the drive-in canopy to the stop bar at the drive-in exit. Second, the applicant shall provide a porous concrete paving material for the loading space and/or the dumpster pad in order to further delineate the loading and dumpster area from the area where vehicles exit the drive-in facility. Finally, the loading area shall only be used for temporary loading purposes and the applicant shall provide signage that clearly identifies this as such.

Issue: Dumpster

There is currently a dumpster located to the east of the applicant's proposed tenant space that serves the entire shopping center. Initially, the applicant proposed to relocate this dumpster to an area near the eastern property line of parcel 112A. The applicant specified that the existing tenants primarily access the dumpster by foot rather than by vehicle. Staff indicated that this proposed location was too far from the shopping center tenants who use the dumpster and failed to see a safe, reasonable pedestrian route from the shopping center to the proposed dumpster. Staff from the Urban Forest Management Division (UFMD) also raised concerns with this initial dumpster location, as described in the Urban Forest Management Division analysis section of this report.

Resolution:

The applicant's revised submission addresses this issue by relocating the dumpster to an area closer to the shopping center. The new proposed location is proximate to the location of the existing dumpster that currently serves the shopping center. This revised location, therefore, resolves the concern regarding adequate pedestrian access to the dumpster.

Urban Forest Management Division (UFMD) Analysis (Appendix 7)

Issue: Interior and Peripheral Parking Lot Landscaping Requirements
Pursuant to Section 13-202 of the Zoning Ordinance, any parking lot with 20 or more parking spaces requires interior landscaping covering not less than five percent of the total area of the parking lot. In addition, Section 13-203 states that where parking lots contain 20 or more spaces, transitional screening is not required, and if the property line abuts the right-of-way of a street, the applicant must provide a landscaping strip ten feet in width (not including a sidewalk or trail) with required plantings of at least one tree for each 40 feet. Because transitional screening is required along the site's southern boundary, peripheral parking lot landscaping is not required. The interior parking lot landscaping requirements, however, must be met. Upon initial review, UFMD staff indicated that it was unclear how the applicant intended to meet the interior parking lot landscaping requirements for the site. Staff noted that interior parking lot landscaping calculations and graphical illustrations should be provided on the SE Plat to demonstrate how this requirement would be met for the site.

Resolution:

As described above, the applicant must provide interior parking lot landscaping that covers at least five percent of the total area of the parking lot. The approved site plan for the entire shopping center indicates that the shopping center, which contains 40 parking spaces, previously met the five percent interior parking lot landscaping requirement. The applicant has revised the plat to indicate their intent to continue to meet the interior parking lot landscaping requirement by planting five trees: one adjacent to the tenant space and four along the island in front of the drive-in canopy. The revised plat indicates that this will result in landscaping that covers 5.9% of the total area of the parking lot; therefore, this issue has been resolved.

Issue: Preservation of Existing On-Site Vegetation

The applicant's initial submission proposed the removal of a large percentage of existing on-site vegetation. This included the removal of several white pine trees at the southeast corner of the property in order to accommodate a proposed trash enclosure that would serve the shopping center. Staff from UFMD reported that these white pine trees are in good condition and, due to the limited mature canopy proposed for preservation on the site, should be considered a priority for preservation.

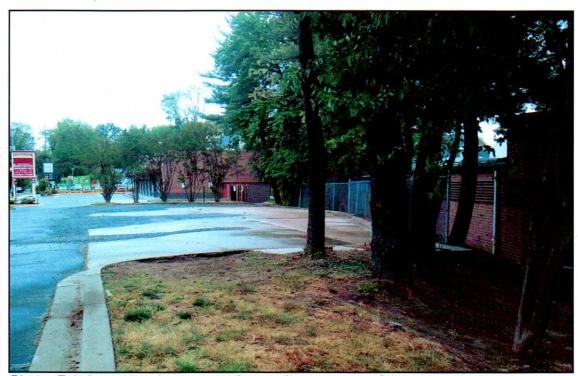


Photo: Existing white pine trees at the southeast corner of the property

Resolution:

The revised SE Plat proposes to locate the dumpster to an alternative location in an attempt to preserve the white pine trees. However, the limits of clearing and grading shown on the revised plat indicate that one of the trees may still be at risk because the limits of clearing and grading protrude into the drip line of one of these trees. Staff recommends that the applicant consider adjustments to these limits to possibly increase the undisturbed area and has proposed a development condition to ensure that the applicant make an attempt to readjust these limits where possible, as determined by UFMD. With the implementation of this condition, this issue will be resolved.

Issue: Preservation of Existing Off-Site Vegetation

The applicant initially proposed to remove the off-site trees shown along the rear property line of parcel 112A, subject to approval by the adjacent property owner. Staff recommended that the applicant instead attempt to preserve this off-site vegetation by providing a 10-foot wide undisturbed buffer along the northeastern property line to protect the trees from construction damage and to provide an opportunity for these trees to remain.

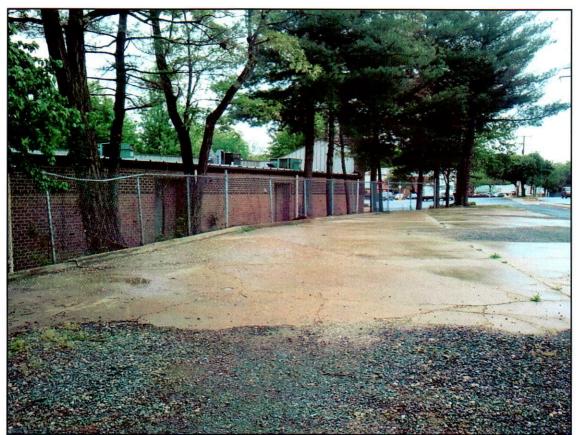


Photo: Existing vegetation along the rear of parcel 112A

Resolution:

The applicant's most recent submission indicates the intent to remove the trees located along the rear of parcel 112A, subject to the approval of the adjacent property owner. The revised submission also shows a single row of evergreen shrubs to be planted along the rear property line of parcel 112A. However, the applicant still has not provided the recommended 10-foot wide undisturbed buffer along this property line.

Staff from UFMD asserts that the only way to ensure the survival of these trees is to provide this buffer. However, to adhere to this request would require the removal of the bypass lane and a decreased drive aisle width. Staff believes that a bypass lane and a minimum 20 foot aisle width are critical for safe and effective circulation through the remote drive-in. In addition, staff recognizes that the subject trees are poor quality trees. Therefore, staff concludes that since the 10-foot buffer is not being provided, the applicant should provide supplemental plantings along the rear property boundary of parcel 112A as now depicted on the SE Plat. In addition, staff recommends that the applicant make an attempt to preserve these trees by providing adequate preservation measures during construction activities. However, if these trees begin to show signs of distress as determined by UFMD, staff recommends that they be removed. The applicant has recently indicated that these trees shown as off-site trees may actually be located on the subject property; research is currently

underway to verify the ownership of these trees. If these trees are found to be off-site and begin to show signs of distress as determined by UFMD, the applicant shall attempt to enter into an agreement with the adjacent property owner to remove the trees and to plant replacement trees. Staff has proposed a development condition to address these items.

ZONING ORDINANCE PROVISIONS (Appendix 9)

Bulk Requirements (C-5)				
Standard	Required	Provided		
Min. Lot Area	40,000 sq. ft.	29,595 sq. ft. ¹		
Max. Building Height	40 ft.	+/- 25 ft.		
Front Yard	45° angle of bulk plane, not less than 40 ft.	40 ft.		
Rear Yard	20 ft.	19.3 ft.		
Side Yard	N/A	Northwest: 6.6 ft. (canopy) Southeast: 147.4 ft. (canopy)		
Maximum FAR	0.30	0.10 (for SE area)		
Open Space	20%	+/- 25% (for SE area)		
Parking Spaces	Parking: 40 spaces for shopping center Stacking: eight (8) spaces in front of first windows and two (2) spaces for each additional window; except that five (5) stacking spaces may be permitted in front of the first two (2) windows, provided that both windows shall always remain open when the drive-in facility is operational	Parking: 40 spaces Stacking: 5 spaces for the first 2 windows		
Loading Spaces	1 space for drive-in financial institution use	0 spaces for the drive-in financial institution use ²		

^{1.} The applicant has requested a waiver of this requirement.

^{2.} The applicant has requested a waiver of the loading space requirement for the drive-in financial institution use. The existing loading space that serves the shopping center would be relocated as shown on the SE Plat.

Transitional Screening				
	Required	Provided		
Northwest (C-5; Chesterbrook Plaza)	None	N/A		
North (R-2; Chesterbrook Methodist Church / Montessori School of McLean – SPA 80-D-068)	Transitional Screen 3 – An unbroken strip of landscaped open space a minimum of 50 feet wide	Existing grasses, shrubs and trees approximately 15 feet wide ¹		
Northeast (C-6; Chesterbrook Shopping Center)	None	N/A		
Southeast (R-2; Vinson Hall Retirement Community – SEA 87-D-025)	Transitional Screen 3 – An unbroken strip of landscaped open space a minimum of 50 feet wide	Deciduous trees and evergreen shrubs planted in median adjacent to drive-in canopy ²		
South/Southwest (C-5; Office)	None	N/A		

Barrier Barrier				
	Required	Provided		
Northwest (C-5; Chesterbrook Plaza)	None	N/A		
North (R-2; Chesterbrook Methodist Church / Montessori School of McLean – SPA 80-D-068)	Barrier E, F, or G (6 foot high wall, brick, architectural block; 6 foot high wood fence; 6 foot high chain link fence)	Existing 6 foot high wood fence along the property line of parcel 116A ¹		
Northeast (C-6; Chesterbrook Shopping Center)	None	N/A		
Southeast (R-2; Vinson Hall Retirement Community – SEA 87-D-025)	Barrier E, F, or G (6 foot high wall, brick, architectural block; 6 foot high wood fence; 6 foot high chain link fence)	None ³		
South/Southwest (C-5; Office)	None	N/A		

- 1. The applicant has requested a modification of the transitional screening and barrier requirements along the north and northeastern boundaries with this application. The transitional screening and barrier requirements along the north and northeastern boundaries of parcel 116A were previously modified under WV# 025483, as shown on approved Site Plan #1684-SP-001-3.
- 2. The applicant has requested a modification of this requirement.
- 3. The applicant has requested a waiver of this requirement.

Waivers and Modifications

Minimum Lot Size Requirements

The applicant requests a waiver of the minimum lot area in the C-5 zoning district (40,000 square feet) to allow for the proposed area of the SE lot that contains 29,595 square feet. Section 9-610 of the Zoning Ordinance enables the Board of Supervisors to waive certain minimum lot size requirements when certain provisions are met; therefore, the application must satisfy these four provisions contained in Section 9-610 of the Zoning Ordinance.

- Provision 1 stipulates that such lot has not been reduced in width or area since the effective date of this Ordinance to a width or area less than required by the Ordinance. In this case, a new SE lot would be created with the approval of this Special Exception; therefore, the applicant satisfies this requirement.
- **Provision 2** states that the applicant shall demonstrate that the waiver results in a development that preserves existing vegetation, topography, historic resources and/or other environmental features; provides for reduced impervious surface; maintains or improves stormwater management systems; and/or similar demonstrable impact. There are no RPAs, floodplains, or known historic resources on the site. In addition, the applicant states that the post-development peak runoff will not exceed the pre-development peak runoff. Staff initially had concerns about the ability of the proposed site to accommodate the proposed drive-in financial institution use with two drive-in aisles while still preserving some existing vegetation. The applicant's initial submission proposed the removal of nearly all on-site vegetation, including the white pine trees that staff had identified as primary candidates for tree preservation on the site. The applicant's most recent submission addresses this concern by proposing to preserve these white pine trees. However, the limits of clearing and grading shown on the revised plat indicate that one of the trees may still be at risk because the limits of clearing and grading protrude into the drip line of the tree. Staff has proposed a development condition to attempt to ensure the survival of these white pine trees.
- Provision 3 requires that the development will not have any deleterious effect on the existing or planned development of adjacent properties or on area roadways. The proposed use is primarily surrounded by other commercial uses. The surrounding parcels are planned for such uses as retail, residential, and public facilities, as detailed in the Location and Character section of this report. Old Dominion Drive is not currently planned for any improvements in this area. Given these facts, staff finds that the proposed use will not have a deleterious effect on the existing or planned development of adjacent properties or on area roadways and, therefore, meets this provision.

 Provision 4 states that such waiver shall be approved only if the remaining provisions of the Zoning Ordinance can be satisfied. Staff believes that, with the requested waivers and modifications, the application satisfies all Applicable Zoning Ordinance provisions.

Transitional Screening and Barrier Requirements

According to Section 13-303 of the Zoning Ordinance, the applicant must provide an unbroken open space strip at least 50 feet wide with required trees and/or shrubs (Transitional Screening Three) to screen the use from the adjacent properties zoned R-2 to the north/northeast and southeast. One of three different barriers is also required pursuant to Section 13-304 of the Zoning Ordinance. The existing conditions do not strictly conform to these requirements.

Section 13-305 of the Zoning Ordinance permits the ability to waive or modify transitional screening and barrier requirements when a building, a barrier and/or the land between the building and the property line has been specifically designed to minimize adverse impact through a combination of architectural and landscaping techniques. A modification of the transitional screening and barrier requirement along parcel 116A's northern and northeastern property boundary was previously approved by the Department of Public Works and Environmental Services (DPWES) on June 9, 2003 in association with the site plan for Chesterbrook Plaza. The vegetated area and existing wood fence located between the shopping center and the adjacent property to the north provides a significant buffer between the two uses. The applicant also intends to provide supplemental plantings along the rear property boundary of parcel 112A. Therefore, staff supports the modification of the transitional screening and barrier requirements along the north/northeastern property boundary in favor of what is shown on the SE Plat.

Similarly, staff also supports the request for a modification of the transitional screening requirement and a waiver of the barrier requirement to the southeast across Old Dominion Drive. The lush existing vegetation and rolling topography that exist on the adjacent R-2 zoned property to the southeast adequately minimize any adverse impact that the adjacent property might experience as a result of the proposed use.

Trail Requirement

The Countywide Trails Plan depicts a Minor Paved Trail across the site's frontage along Old Dominion Drive. According to the Trails Plan, a Minor Paved Trail is an asphalt or concrete surface that varies in width from 4 feet to 7 feet and 11 inches. Section 8-0202.1B of the Public Facilities Manual (PFM) notes that six feet is generally the minimum trail width allowed, and that trails less than six feet wide require special approval by the County Trails Planner, DPWES, or other County agencies as applicable.

The applicant has requested a modification of the Minor Paved Trail requirement across the site's frontage in favor of what is shown on the SE Plat. The SE Plat depicts an existing concrete sidewalk approximately 5 feet in width that traverses the frontage of parcel 116A. The approved site plan for the shopping center granted a trail waiver in favor of construction of this existing sidewalk. In addition, the plat shows a proposed 6-foot wide concrete sidewalk across approximately 110 feet of the frontage of parcel 112A.

Staff recognizes that the sidewalk across parcel 116A already exists and is the result of a previously approved waiver. Furthermore, staff also acknowledges the shallow nature of the subject parcels. For these reasons, staff supports the applicant's request for a modification of the trail requirement in favor of the 5-foot wide and 6-foot wide sidewalks that are depicted on the SE Plat.

Off-Street Loading Space Requirement for Drive-in Financial Institution Use
One loading space is required for the drive-in financial institution use, in addition
to the one loading space that currently exists for the shopping center and that is
shown on the approved site plan for the shopping center. The applicant requests
a waiver of the loading space requirement associated with the proposed use.
The applicant has no anticipated need for a dedicated loading space for the
proposed use because all trash is disposed of off-site due to security
requirements; therefore, staff supports the applicant's request for a waiver of the
off-street loading space requirements for the proposed use.

It should be noted that the applicant's first submission proposed a removal of the loading space for the entire shopping center. While staff supports a waiver of the loading space for the proposed use, at least one loading space should remain to serve the shopping center. The applicant's revised plat addresses staff's concern by relocating the shopping center's existing loading space, rather than eliminating it. The transportation analysis section of this report further discusses this issue.

OTHER ZONING ORDINANCE REQUIREMENTS (Appendix 10)

General Special Exception Standards (Sect. 9-006):

All special exception uses shall satisfy the following general standards:

General Standards 1 and 2 require that the proposed use at the specified location be in harmony with the adopted Comprehensive Plan and with the general purpose and intent of the applicable zoning district regulations.

Staff finds that the proposed drive-in financial institution is in harmony with the recommendations of the Comprehensive Plan and the general purpose and intent of the applicable zoning district regulations. The purpose and intent of

the C-5 district is to provide locations for convenience shopping facilities that supply the necessities that usually require frequent purchasing while minimizing consumer travel. Staff believes that a drive-in financial institution is consistent with this purpose and would complement the existing neighborhood-oriented retail uses within the Chesterbrook Plaza.

General Standard 3 states that the proposed use shall be harmonious with and not adversely affect the use or development of neighboring properties. This standard also requires that the location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.

A portion of the proposed use will occupy a vacant tenant space within the shopping center, while the remote drive-in portion of the proposed use will occur on the currently vacant parcel to the east (parcel 112A). The proposed drive-in financial institution use is consistent with other neighbored-serving uses that currently exist in the shopping center. The other portion of the proposed use (the remote drive-in operation proposed on parcel 112A) is surrounded to the northeast and east by similar commercial uses. Although there is a church and associated child care center / school of general education to the north/northeast of parcel 116A, the existing vegetation and wood fence effectively buffer the proposed use from this adjacent property. The transitional screening and barrier requirements along this property line were previously modified during the site plan process for the shopping center. In addition, the applicant intends to plant supplemental landscaping along the rear of the property to provide a visual buffer from the commercial building located to the rear. Although there is no landscaping proposed along Old Dominion Drive, the proposed plantings in the median in front of the drive-in canopy will help to buffer the canopy and the vehicles associated with the proposed use from Old Dominion Drive. Overall, staff finds that the application meets this standard.

General Standard 4 requires that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing or anticipated traffic.

Two proposed entrances would provide access to the subject properties off of Old Dominion Drive; an existing interparcel connection connects parcel 112A to Chesterbrook Shopping Center to the east. A drive aisle traverses the front of the subject properties, which allows for traffic to move from the shopping center to the east to the westernmost end of Chesterbrook Plaza. An additional existing exit-only access point is proposed to remain at this west end of the Chesterbrook Plaza shopping center. Overall, staff finds that the vehicular traffic associated with the proposed use would not be hazardous or conflict with existing or anticipated traffic.

Similarly, staff finds that the pedestrian traffic associated with the proposed use will not be hazardous or conflict with the existing or anticipated traffic. The drive-in portion of the proposed use is not a pedestrian-oriented use and, therefore, the proposed use is not likely to generate a large amount of pedestrian traffic. However, the applicant proposes to provide a 6-foot wide sidewalk across the frontage of parcel 112A that will offer pedestrian connectivity to the existing sidewalk to the west and to the Chesterbrook Shopping Center to the east. In addition, the SE Plat depicts a pedestrian connection that will be provided from the parallel parking spaces on parcel 112A to the median in front of the applicant's proposed tenant space in the shopping center. Therefore, staff finds that the application satisfies this standard.

General Standard 5 stipulates that the Board shall require landscaping and screening in accordance with the provisions of Article 13.

As described in the Zoning Ordinance Provisions section of this report, the applicant must provide an unbroken open space strip at least 50 feet wide with required trees and/or shrubs (Transitional Screening Three) to screen the use from the adjacent properties zoned R-2 to the north/northeast and southeast. One of three different barriers is also required pursuant to Section 13-304 of the Zoning Ordinance. The existing and proposed conditions do not strictly conform to these requirements. As previously discussed, staff supports the requested modifications and waiver of the transitional screening and barrier requirements in favor of what is shown on the SE Plat. Therefore, with the approval of the requested modifications and waiver, the application meets this standard.

General Standard 6 stipulates that open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.

In the C-5 zoning district, 20 percent of the gross area shall be landscaped open space. As noted in the Zoning Ordinance Provisions section of this report, the subject application proposes approximately 25% of open space for the SE area. As a result, staff finds that the application satisfies this standard.

General Standard 7 states that adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.

Adequate utilities, drainage, and parking have been provided with this application. The applicant has requested a waiver of the one required loading space for the drive-in financial institution use. As discussed in the Waivers and Modifications section of this report, staff supports this waiver request, provided that one loading space will still remain for the shopping center. Staff finds that, with the approval of this waiver request, this standard will be satisfied.

General Standard 8 specifies that signs shall be regulated by the provisions of Article 12; however, the Board may impose more strict requirements for a given use than those set forth in this Ordinance.

The applicant proposes to erect building-mounted signage above the tenant space's entrance to display the name of the proposed establishment (TD Bank). Existing tenants in the shopping center have building-mounted signage. The SE Plat also shows additional directional signage. Pursuant to paragraph 10 of Section 12-203, a shopping center is only permitted to have one freestanding sign. Therefore, no freestanding signs in addition to the shopping center's existing sign along Old Dominion Drive would be permitted for individual enterprises located within the shopping center. Staff has proposed a development condition to address this to state that irrespective of what is shown on the SE Plat, all signs related to the proposed use shall conform to the provisions of Article 12 of the Zoning Ordinance.

Standards for All Category 5 Uses (Sect. 9-503)

This application is also subject to the three additional standards for all Category 5 special exception uses.

Standard 1 states that all uses shall comply with the lot size and bulk regulations of the applicable zoning district. The applicant has requested a waiver of the minimum lot size requirements with this application to permit a lot area of 29,595 square feet; the C-5 zoning district requires a minimum lot area of 40,000 square feet. This application satisfies the other lot size and bulk regulations of the C-5 zoning district, as indicated in Zoning Ordinance Provisions section of this report.

Standard 2 stipulates that all uses shall comply with the performance standards for the applicable zoning district. The proposed drive-in financial institution must comply with all performance standards set forth in Article 14.

Standard 3 specifies that all uses shall be subject to the provisions of Article 17, Site Plans. A development condition noting this requirement is included in Appendix 1.

In summary, with the approval of the requested waiver of the minimum lot area, the proposed use would satisfy all of the Standards for all Category 5 Uses.

Additional Standards for Automobile-Oriented Uses, Car Washes, Drive-In Financial Institutions, Drive-Through Pharmacies, Fast Food Restaurants, Quick-Service Food Stores, Service Stations and Service Stations/Mini-Marts (Sect. 9-505)

Drive-in Financial Institutions, when permitted by special exception, must also satisfy the following additional standards:

Standard A stipulates that such a use shall have on all sides the same architectural features or shall be architecturally compatible with the building group or neighborhood with which it is associated. The applicant intends to occupy tenant space in an existing building on the subject property and proposes to perform some exterior building modifications to this existing space. In addition, the applicant proposes to construct a drive-in canopy structure on the adjacent parcel (112A). The proposed architecture of the tenant space and drive-in canopy features a brick exterior that is consistent with the existing shopping center architecture, as shown on Sheet 6 of the SE Plat. Staff concludes that the application meets this standard and has proposed a development condition that stipulates that the architecture of the tenant space and drive-in canopy shall be in substantial conformance with what is shown on the SE Plat.

Standard B states that the use shall be designed so that pedestrian and vehicular circulation is coordinated with that on adjacent properties. The applicant is proposing to maintain the interparcel connection that currently exists to the east. In addition, the existing future interparcel connection to the west will remain. Therefore, staff finds that this application effectively coordinates vehicular circulation with the adjacent properties. In addition, the proposed sidewalk across the frontage of parcel 112A will provide a pedestrian connection to the adjacent parcels. Staff concludes that the application meets this standard.

Standard C specifies that the site shall be designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation, and that the parking and stacking spaces shall be located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the site. The applicant proposes to remove several existing parking spaces and to add five new parallel parking spaces within the drive aisle of parcel 112A. Staff finds that these parking spaces are adequate given that the proposed width of the drive aisle is 24 feet. The applicant is also proposing five stacking spaces at the first drive-in window and five stacking spaces at the second window. This arrangement meets the stacking requirements of the Zoning Ordinance for the proposed use.

Staff finds that there are two areas on the proposed site that have the greatest potential to create on-site turning movement conflicts and, therefore, should be most carefully evaluated. First, the entrance to the vehicle stacking area for the remote drive-in must be of a sufficient width to accommodate two lanes of vehicles. Staff believes that the proposed 20-foot width is sufficient to effectively allow two lanes of vehicles to enter the remote drive-in facility. The second area with the potential to hinder safe and efficient on-site circulation is the area near the proposed location of the loading space and dumpster. This area could create a circulation conflict between vehicles exiting the remote drive-in lanes and

vehicles accessing the loading space and dumpster. Staff's preference would be to eliminate such circulation conflict by finding an alternative location for the loading space; however, the lack of such an alternative location within the existing shopping center site presents a significant challenge. As a result, staff has proposed several development conditions to attempt to resolve circulation conflicts between vehicles using the loading space and those exiting the remote drive-in lanes, as described in the Transportation Analysis section of this report. With the implementation of the proposed development conditions, staff believes that the application satisfies this standard.

Standard D states that any use will not adversely affect any nearby existing or planned residential areas as a result of the hours of operation, noise generation, parking, glare or other operational factors. The primary operational difference between the proposed use and the existing uses in the shopping center is the drive-in facility. The glare generated from such a facility could perhaps be a concern to adjacent property owners, particularly in residential areas. The proposed configuration of the drive-in aisle on the subject property is such that the glare from vehicles in the drive-in aisle would primarily be directed toward the existing Chesterbrook Plaza shopping center. The existing vegetation and 6-foot high wood fence along the rear of parcel 116A would help to screen the R-2 zoned parcel to the north from the glare that may be generated by the proposed use. As a result, staff finds that the proposed use would not adversely affect any nearby existing or planned residential areas as a result of the hours of operation, noise generation, parking, glare, or other operational factors.

Standard E applies to drive-through pharmacies; therefore, this standard is not applicable to this application.

In addition to Parts A-E above, the following standards shall apply to uses located within the C-5 and C-6 Districts:

Standard A stipulates that there shall be no outdoor storage or display of goods offered for sale except for the outdoor storage or display of goods permitted at a service station or service station/mini-mart. Given that the proposed use is a drive-in financial institution, this standard is not applicable.

Standard B applies to service stations and service station/mini-marts; therefore, this standard is not applicable to this application.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

The proposed drive-in financial institution on the subject property is consistent with the existing neighborhood-serving uses in the shopping center and would not adversely impact the site or neighboring properties. Staff finds that the application is in harmony with the Comprehensive Plan and conforms to all applicable Zoning Ordinance Provisions.

Recommendation

Staff recommends approval of SE 2012-DR-003, subject to the proposed development conditions contained in Appendix 1.

Staff recommends approval of the following waivers and modifications:

- Waiver of the minimum lot size requirements to permit a lot area of 29,595 square feet instead of the required 40,000 square feet;
- Modification of the transitional screening and waiver of the barrier requirements along the site's southern boundary along Old Dominion Drive and modification of the transitional screening and barrier requirements along the site's northern and northeastern boundaries in favor of what is shown on the SE Plat;
- Modification of the trail requirement along Old Dominion Drive in favor of the sidewalks shown on the SE Plat; and,
- Waiver of the loading space requirement for the drive-in financial institution use.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Supervisors.

APPENDICES

- 1. Proposed Development Conditions
- 2. Special Exception Affidavit
- 3. Statement of Justification
- 4. DPWES Site Development and Inspections Division Analysis
- 5. FCDOT Analysis
- 6. VDOT Analysis
- 7. DPWES Urban Forest Management Division Analysis
- 8. DPWES Wastewater Planning & Monitoring Division Analysis
- 9. Zoning Ordinance Provisions
- 10. Other Zoning Ordinance Requirements
- 11. Glossary of Terms

DEVELOPMENT CONDITIONS

SE 2012-DR-003

June 28, 2012

If it is the intent of the Board of Supervisors to approve SE 2012-DR-003 located at Tax Map 31-3 ((01)) 112A & 116A pt., for use as a drive-in financial institution and a waiver of the minimum lot size requirements pursuant to Sections 4-504 and 9-610 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions:

- 1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
- 2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.
- 3. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved Special Exception Plat (SE Plat) prepared by Bohler Engineering, dated June 18, 2012, and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
- 4. Architecture of the drive-in financial institution shall be in substantial conformance with that shown on the SE Plat, as determined by the Zoning Administrator.
- 5. The applicant shall maintain the existing and proposed sidewalks across the site's frontage along Old Dominion Road. Prior to site plan approval, a license agreement shall be entered into by the applicant with the Virginia Department of Transportation (VDOT) to permit the landscaping and sidewalk shown on the SE Plat to be provided and maintained by the applicant in the right-of-way along Old Dominion Drive.
- 6. Prior to final site plan approval, the applicant shall submit throat length exceptions to VDOT for the access points along Old Dominion Drive. If approved by VDOT, the applicant shall implement any conditions associated with such exception. If the throat length exceptions are not approved, the applicant shall satisfy the applicable throat length requirements as determined by VDOT.
- 7. The applicant shall provide striping to clearly delineate the vehicular route from the point at which a vehicle exits the drive-in canopy to the stop bar at the drive-in exit, as shown on the SE Plat.

- 8. The applicant shall use a porous concrete paving material for the loading space and/or the dumpster pad, subject to review and approval by DPWES.
- 9. The loading space shall only be used for temporary loading purposes. The applicant shall provide signage that clearly identifies the space as such.
- 10. The applicant shall retain the services of a certified arborist or landscape architect. The limits of clearing and grading shall be marked with a continuous line of flagging prior to construction. Prior to commencement of any land disturbing activities, the applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with a representative from UFMD to determine where adjustments to the clearing limits can be made to increase the size of the area to be left undisturbed, and to increase the survivability of trees to be preserved that occur near the edge of the limits of clearing and grading. Any adjustments agreed to by the applicant and UFMD shall be agreed upon and memorialized in writing by both the applicant and UFMD before any such adjustments are implemented, and such adjustments shall be implemented.
- 11. The applicant shall attempt to preserve the five trees along the rear property line of parcel 112A currently shown on the SE Plat as "subject to removal w/permission of adjacent property owner" by taking the following measures. All individual trees to be preserved and all areas designated to be left undisturbed shall be protected by tree protection fencing and signage. Tree protection fencing shall be erected at the drip line of individual trees to be preserved and at the limits of clearing and grading. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist or landscape architect and accomplished in a manner that does not harm existing vegetation to be preserved. Prior to final bond release, a representative from UFMD shall inspect the condition of these five trees to determine if they are hazardous or dving and should be removed. If UFMD recommends that these trees be removed and the trees are determined to be on the application property, the applicant shall remove these trees. If UFMD recommends that these trees be removed and the trees are determined to be on the adjacent property, the applicant shall attempt to enter into an agreement with the adjacent property owner to remove and replace these trees. The selection of the species and the placement of these replacement trees shall be subject to the review and approval by UFMD.
- 12. The applicant shall provide supplemental plantings along the rear property line of parcel 112A, as depicted on the SE Plat.
- 13. Prior to final site plan approval, the applicant shall provide supplemental plantings such as small shrubs or groundcover throughout the tree preservation area shown at the eastern boundary of parcel 112A. The selection of these plantings shall be subject to approval by UFMD.

- 14. Irrespective of any signs shown on the SE plat, all signage shall comply with the provisions of Article 12 of the Zoning Ordinance.
- 15. The applicant shall remove the existing chain link fence along the rear property line of parcel 112A.
- 16. The dumpster on the application site shall be enclosed with a masonry wall.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established as evidenced by the issuance of a Non-RUP for the drive-in financial institution use. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

SPECIAL EXCEPTION AFFIDAVIT

DAT	E: June 7, 2012	
· I · 'W M I D ·	(enter date affidavit is notarized)	
I, Lori K. Murphy, Esquire	, do her	eby state that I am an
(enter name of applicant of	r authorized agent)	
	licant licant's authorized agent listed in Par. 1(a) be	elow 115810
in Application No.(s): SE 2012-I	OR-003	
	er County-assigned application number(s), e	.g. SE 88-V-001)
and that, to the best of my knowled	dge and belief, the following information is	true:
and all ATTORNEYS and behalf of any of the forego (NOTE: All relationships Multiple relationships may Applicant/Title Owner, et	The foregoing is a TRUSTEE,** each BEN REAL ESTATE BROKERS, and all AGI ing with respect to the application: to the application listed above in BOLD prints be listed together, e.g., Attorney/Agent, Cotto. For a multiparcel application, list the Tax in the Relationship column.)	ENTS who have acted on nt are to be disclosed.
NAME	ADDRESS	DEL ATIONSHID(S)
(enter first name, middle initial, and last name)	(enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
TD Bank, National Association Michael E. Powell	12000 Horizon Way Mount Laurel, NJ 02054	Applicant/Lessee Agent
Lowell Avenue, LLC George (NMI) Kontzias	1434 Lady Bird Drive McLean, VA 22101	Title Owner/Lessor Agent
Bean, Kinney & Korman, P.C. Lori K. Murphy, Esquire Frederick R. Taylor, Esquire	2300 Wilson Blvd., 7th Floor Arlington, VA 22201	Attorney/Agent Attorney/Agent Attorney/Agent
Bohler Engineering, P.C. Michael J. O'Hara Daniel M. Duke Travis W. D'Amico	22630 Davis Drive, Suite 200 Sterling, VA 20164	Engineer/Agent Agent Agent Former Agent
Kimley-Horn and Associates, Inc. Edward Y. Papazian Matthew J. Horne	11400 Commerce Park Drive, Suite 400 Reston, VA 20191	Transportation Engineer/Agent Agent Agent
(check if applicable)	[] There are more relationships to be lis	ted and Par. 1(a) is continued

on a "Special Exception Attachment to Par. 1(a)" form.

^{*} In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

^{**} List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

SPECIAL EXCEPTION AFFIDAVIT

for Application No. (s): SE 2012-DR-003

(enter County-assigned application number(s))

1(b). The following constitutes a listing*** of the SHAREHOLDERS of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name and number, street, city, state, and zip

DESCRIPTION OF CORPORATION:	(check one statement)
-----------------------------	-----------------------

TD Bank, National Association 2035 Limestone Road Wilmington, DE 19808

- There are 10 or less shareholders, and all of the shareholders are listed below.

 There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- [] There are <u>more than 10</u> shareholders, but <u>no shareholder owns 10% or more</u> of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial and last name)
TD Bank US Holding Company

(check if applicable) [/] There is more corporation information and Par. 1(b) is continued on a "Special Exception Affidavit Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed. Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

	Special Exception Attachment to Par. 1(b)	Page _1 of _4
		115810
	DATE: June 7, 2012 (enter date affidavit is notarized)	115810
for Application	on No. (s): SE 2012-DR-003	* · ·
	(enter County-assigned application number (s))	
NAME & AD TD Bank US Ho Two Portland So Portland, ME 04	quare	, and zip code)
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TD USP&C Hold 900 Home Oil To 234-8th Avenue S Alberta, Calgary T2P 2Z2 Canada	ower S.W.	nd zip code)
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Special Exception Attachment to Par. 1(b)

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for Application	(enter date affidavit is notarized) n No. (s): SE 2012-DR-003
тог Аррисано	(enter County-assigned application number (s))
NAME & AD The Toronto-Don P.O. Box 1 Toronto-Dominio Toronto, Ontario M5K 1A2 Canada	on Centre
	ON OF CORPORATION: (check one statement)
[]	There are 10 or less shareholders, and all of the shareholders are listed below. There are more than 10 shareholders, and all of the shareholders owning 10% or more of any
	class of stock issued by said corporation are listed below.
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The Toronto-Dom traded company as change daily. NAME & ADE Lowell Avenue, L 1434 Lady Bird D	rive
McLean, VA 2210	
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Zachary O. Konizi	
(check if applica	ble) [1] There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

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NAME & AD Bean, Kinney & 2300 Wilson Bly Arlington, VA 22	d., 7th Floor	te, and zip code)
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Jonathan C. Kinn James W. Korma		
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Daniel M. Duke Mark R. Joyce		
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		Page 4 of 4
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Kimley-Horn and	e Park Drive, Suite 400	and zip code)
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SPECIAL EXCEPTION AFFIDAVIT

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1(c). The fo	ollowing con artnership di	stitutes a listing	g*** of all of the	e PARTN	ERS, both GE	NERAL and LIN	MITED, in
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SPECIAL EXCEPTION AFFIDAVIT

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1(d).	One of the following boxes <u>I</u>	nust be checked:		
	of any and all other inc	lividuals who own in the ast) 10% or more of the A	aggregate (directly	ove, the following is a listing and as a shareholder, partner LE OWNER, CONTRACT
	aggregate (directly and	as a shareholder, partner	r, and beneficiary of	e, no individual owns in the fa trust) 10% or more of the or LESSEE* of the land.
2.	That no member of the Fairfa	ey County Board of Sune	rvicore Planning C	ommission or any member o
2.	his or her immediate househo			
	individually, by ownership o partnership owning such land		wning such land, or	through an interest in a
	EXCEPT AS FOLLOWS:	(NOTE: If answer is no	one, enter "NONE"	on the line below.)
	None			
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Sharon Bulova.

(county-assigned application number(s), to be entered by County Staff)

Page Five

SPECIAL EXCEPTION AFFIDAVIT

DATE:	June 7, 2012	115810
	(enter date affidavit is notarized)	

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

In the past twelve-month period Frederick R. Taylor has made donations of more than \$100 to John Foust, Catherine Hudgins and

NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable)	[]	There are more disclosures to be listed and Par. 3 is continued on a
		"Special Exception Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

in Paragraph 3 above, that arise on or at	tter the date of this application.
WITNESS the following signature: (check one) [] Applica	Muy [v] Applicant's Authorized Agent
Lori K. Murphy, I (type or print first n	Esq. name, middle initial, last name, and & title of signee)
of Virginia , County/City of Arling	ay of June 20 12, in the State/Comm
My commission expires: 1 3 2015 ORM SEA-1 Updated (7/1/06)	COMMISSION EXPIRES 11/30/2015 VIRGINIA LOPA VIRGI

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STATEMENT OF JUSTIFICATION Revised June 7, 2012

RECEIVED
Department of Planning & Zoning

JUN 0 7 2012

Zoning Evaluation Division

Special Exception Application Application of TD Bank, N.A. Case Name: TD Bank – Old Dominion Drive GPIN# 0313 01 0112A & a portion of 0313 01 0116A

1. Zoning

This is an application under Zoning Ordinance Sections 4-505(1) (C-5 Neighborhood Retail Commercial District) for a drive-in financial institution in a C-5 District. The applicant also seeks a waivers of 4-506(1) (minimum lot area), 13-304(4)(B) or (C) (barrier requirement) and of 13-203(2)(A) (10-foot landscaping strip/setback along Old Dominion Drive), and 11-203(6) (loading space requirement for the bank use). Additionally, the applicant seeks a modification of 13-303(3)(A) (transitional screening between site and R-2 zoned property across Old Dominion Drive) and reaffirmations of the transitional screening and barrier requirements for the northern and northeastern boundaries of the property as well as the trail requirement along Old Dominion Drive.

The subject property consists of a leased area on two separate parcels: a tenant space in the Chesterbrook Plaza and an adjacent lot. The tenant space is a 17,496 square foot portion of a parcel with an address of 6250 Old Dominion Drive and will house the bank store. The adjacent parcel, with an address of 6256 Old Dominion Drive, consists of 17,496 square feet and will house the remote drive-in. Both parcels are zoned C-5 and are not located within any overlay districts. The total area submitted as part of the special exception application is 29,595 square feet.

2. Proposed Operation

The proposed bank will be a drive-in bank with a two-lane, remote drive-in. The remote drive-in lanes will be operated using pneumatic tubes as indicated on the enclosed Special Exception Plat. The proposed bank will provide banking services to the area and provides a critical part of the community with a full service bank, one that offers hours of operation that meet the realistic needs of its neighbors and one at which bank officers will be on site for what would be considered extended hours in this area. This will allow the bank to meet the full range of customers' banking needs.

The hours of operation of the proposed bank would be as follows:

	Lobby	Drive-in
Monday-Wednesday	8:30-5:00	8:00-8:00
Thursday & Friday	8:30-8:00	8:00-8:00
Saturday	8:30-3:00	8:30-3:00

The number of employees at any one time will not exceed nine. The number of customers or patrons at any time will be comparable to other similarly situated banks in the area.

3. Location of Property and Current Use

The subject property is located just east of the intersection of Old Dominion Drive (Route 309) and Kirby Road (Route 695). Presently the site is improved with the Chesterbrook Plaza. The proposed tenant space was formerly a Wachovia Bank branch. The adjacent parcel was the former site of a BP gasoline station which was recently demolished.

4. Surrounding Area

The surrounding area is predominately a dated neighborhood commercial area. The uses include eye doctors, gas stations, small office condos, auto service shops, drycleaners, frame shops, small eateries and grocery stores. The Chesterbrook Shopping Center is located just east of the subject property. Behind the site is the Chesterbrook United Methodist church with a daycare.

5. Special Exception Application

The General Special Exception Standards, Fairfax County Code Sec. 9-006, provides, in part, that the proposed use be in harmony with the Comprehensive Plan and zoning regulations. The proposed development is in harmony with the Comprehensive Plan, which permits a drive-in bank subject to certain conditions which have been addressed in this application.

The proposed building, utility locations, landscaping and parking lot configurations are subject to final engineering, but will remain in substantial conformance as depicted on the Special Exception Plat. The Special Exception Plat includes six sheets:

- Sheet One: Cover Sheet
- Sheet Two: Existing Conditions Plan/Existing Vegetation Map
- Sheet Three: Special Exception Plat
- Sheet Four: Landscape Plan
- Sheet Five: Preliminary Stormwater Management Plan
- Sheet Six: Building Elevations/Details

The proposed development includes a 3,000± square foot TD Bank with an FAR of 0.26. The proposed bank will be located in a tenant space on a portion of the larger parcel. The remote drive-in will be situated on the adjacent smaller parcel. The total area submitted with the special exception application is 29,595 square feet.

The bank proposes a 4-foot landscape buffer along the northeastern property line and significant tree preservation along the southeast corner of the site. The site meets interior parking and landscaping requirements.

6. Traffic Impact of Proposed Use

This site is located in a general commercial area. Therefore, an increase in traffic on Old Dominion Drive should be minimized because the bank will draw primarily upon customers that are already visiting the area shopping center, eateries and other retail establishments. Further, Kimley-Horn and Associates, Inc. has provided an additional traffic statement, regarding the reduction in traffic overall. That Traffic Statement, dated December 22, 2011, was previously submitted with the Statement of Justification. It was also sent to Fairfax County Department of Transportation in January 2012. Additionally, a vehicular crash study was completed and provided to Fairfax County and VDOT in May 2012.

7. Access and Connectivity

The proposed use fronts on Old Dominion Drive. Access to the site is achieved via several access points along Old Dominion Drive. The remote drive-in will be accessed through a one way drive aisle. The remote drive-in drive aisle has been widened to 20' to provide more room for stacking in both lanes. Within the site, at the suggestion of VDOT, the curb closest to the bank building will be moved closer to the building so that it will align with the second curb cut and entrance/exit to the site. This will provide for easier access to the loading space and a clear delineation of curb edges interior to the plaza. One parking space will be relocated to accommodate this change. Per VDOT's comments, the main access to the shopping center will remain full movement with double line striping on Old Dominion Road. Internal to the site, connectivity is provided by a concrete sidewalk.

8. Description of Facade and Architecture

The proposed bank will be located in an end-cap tenant space which previously housed a Wachovia Bank branch. The interior of the space will be retrofit to conform to TD Bank's high quality design standards. The exterior of the building will conform to the elevations located on Sheet 6 of 6 of the enclosed plans.

The bank tenant location will continue to feature a brick cladding exterior and split-face CMU block at the base of the structure. Doors and sun-louvers will be glass and aluminum. A parapet will feature the traditional green TD Bank logos of "TD". And the TD Bank sign will be displayed along the length of the front of the tenant location.

The drive-in canopy features brick supports and split-face CMU block at the base, mirroring the design and facade of the main bank store. The canopy will be flat and will extend over both drive aisles.

9. Conformity to Comprehensive Plan Provisions, Applicable Ordinances and Waivers

The proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions, or for the waiver, exception or variance sought by the applicant, from such ordinances, regulations, standards and conditions, as are specifically noted with this justification.

Waivers Requested

- A. The applicant requests a waiver of the minimum lot area requirement, Section 4-506(1), which requires a lot area of 40,000 square feet. This waiver is being requested because, while the underlying lots meet this minimum size requirement, the area of the special exception is 29,595 square feet.
- B. The applicant requests a waiver of the barrier requirement, Section 13-304(4)(B) or (C), which requires either a 42-48 inch fence or an evergreen hedge with an ultimate height of at least 42-48 inches. The purpose of such a requirement is to add a buffer or barrier between commercial and residential uses. The buffer is unnecessary for this site because the nearest R-2 property is Vinson Hall, which is located across Old Dominion Road, a wide road with four lanes of traffic. Only the northwestern tip of the R-2 property is across the street from the subject property. The R-2 property is located up a rather steep incline, substantially set back from Old Dominion Road with a heavily treed area buffering it from the road and the site. Therefore, a substantial buffer already exists.
- C. The applicant requests a waiver of the peripheral parking lot landscaping, Section 13-203(2)(A), which requires a ten-foot landscaped strip along Old Dominion Drive. Due to the lot configuration and size, a ten-foot planted strip would preclude a reasonable use of this lot. There is currently a 23' service drive that runs parallel to Old Dominion Road that allows cars to access the additional uses within the shopping center. Maintaining the service drive is critical to the other uses within the site and provides connectivity to Chesterbrook Shopping Center next door. The applicant will seek to mitigate this waiver request by preserving several existing trees and adding new trees and low shrubs on-site. See Sheet 4 of 6, the SE Plat Landscaping Plan. Specifically, in the nearest vegetation area, near the drive-in canopy, four trees and twelve shrubs will be planted.
- D. The applicant also seeks a waiver of 11-203, Standard C (waiver of loading space requirement) for the bank use only. Due to strict security requirements, and the sensitive nature of bank refuse, the bank disposes off-site all of its trash, recycling and documents, therefore, a loading dock is not utilized or required for the bank use. There is however an existing loading space that will be maintained. keep on-site. This loading space will be exclusively for the other uses within the shopping center excluding the bank. See, Sheet 3 of 6, the SE Plat.

Modifications Requested

The applicant requests a modification of the transitional screening requirement, Section 13-303(3)(A), which requires a planted, unbroken strip of open space with a minimum of twenty-five (25) feet wide. Due to the lot configuration and size, a twenty-five foot planted strip would preclude a reasonable use of this lot and conflict with the service drive which is critical for access to the other uses within the shopping center. The residential units on the R-2 property are substantially set back from Old Dominion Road with a heavily treed area in between and are already sufficiently screened. Further, only a negligible portion of the R-2 zoned property is located directly across the street from the subject property. A four and a half foot planted strip is provided along Old Dominion Road. Several trees and small shrubs will be planted along the median of the drive-in, separating the service drive and the drive through aisle and adding additional buffering of the use.

Reaffirmations Requested

- A. The applicant requests a reaffirmation of the Trail Waiver approved for the site on January 21, 2003. A five-foot concrete sidewalk will continue to run along the entire frontage of Old Dominion Road, with a wider, six foot sidewalk along the frontage of Old Dominion on lot 112A. The six foot sidewalk will be provided outside the special exception area, on VDOT land and will require a maintenance agreement between the applicant and VDOT. Additionally, a footpath will be maintained that allows access to the site from the properties located behind the proposed bank. A copy of the January 21, 2003 approval letter is attached.
- B. The applicant requests a reaffirmation of the waiver/modification of the Transitional Screening and Barrier requirements along the northern and northeastern boundaries of properties approved on June 9, 2003. The dilapidated chain linked fence located behind the property will be removed and supplemental landscaping, including deciduous trees and evergreen shrubs, will be provided to mitigate this waiver/modification. In addition, several mature white pine trees will be preserved on-site, which currently serve as a buffer between the site and the Chesterbrook United Methodist Church behind it. A copy of the June 9, 2003 approval letter is attached.

The subject property is located in the M3 Kirby Community Planning Sector of the McLean Planning District. The objective of this planning sector is to "Improve the physical condition of non-residential areas."

10. Green Building

TD Bank will seek LEED certification for its new location at 6260 Old Dominion Drive in McLean, Virginia. Accordingly, TD Bank will utilize building materials, furniture, and equipment that has been manufactured in the region with a high percentage of recycled content 00177776-7{

and reduce construction waste. To reduce water consumption, low-flow plumbing fixtures will be installed. To reduce energy consumption, TD Bank will use Energy Star appliances and energy-efficient lighting. There will be solar panels on the drive-thru canopy, and 100% of the bank's annual energy usage will be offset with the purchase of renewable energy credits. To improve air quality, TD Bank will have low-VOC paints, flooring, and wall coverings throughout the interior.

11. Hazardous Conditions and Recycling

There are no known hazardous or toxic substances under Federal, State or Local regulation to be generated, utilized, stored, treated, and/or disposed of on this site or otherwise associated with this application.

TD Bank does not use dumpsters or dumpster enclosures due to the nature of the business which requires protection of confidential financial data. Approximately one kitchen-sized bag of kitchen garbage plus confidential trash, which is bagged separately, is removed by a TD Bank courier and shredded and recycled. A proposed trash enclosure is depicted on Page 3 of the Special Exception Plat. This enclosure is to be used by the other tenants in the plaza and excludes TD Bank. The enclosure will be constructed using stucco tinted to match the building facade.

The County requested information regarding the former gas station use. The owner of the property has removed the underground storage tanks. The owner received an Underground Storage Tank Closure Report, which was also submitted to the Virginia Department of Environmental Quality, dated August 22, 2011. The preparer of that report is Advantage Environmental Consultants, LLC ("AEC"):

"The UST system removal activities were performed between August 10th and 11th, 2011. Four USTs were removed and disposed. The appropriate permit for the removal of the USTs was obtained from the County of Fairfax, Virginia, prior to the commencement of work....Based on the information...AEC concludes the UST system has been properly removed from the Site in accordance with applicable federal, state, and local requirements."

Further, the Commonwealth of Virginia, Department of Environmental Quality, reviewed the AEC report and concluded that the "closure requirements have been met." DEQ Letter, dated September 7, 2011.

12. Lighting

The proposed outdoor lighting meets all the standards established in the Fairfax County Code Section 14-900. Specifically, the drive-in lights will shine effectively +/- 25 footcandles within the drive-in confines. The footcandles drop tremendously when outside of the intended area to approximately 4-5 footcandles. 25 footcandles is tantamount to the lighting required to perform visual tasks.

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13. Environment and Stormwater Management Facilities

There are no significant environmental features (wetlands, streams, and habitat) on this site. The proposed site is currently improved with a shopping plaza and parking lot. BMP will be provided for the subject property through a Tree Box Filterra Unit. No SWM plan is required for the site because the post-development peak runoff does not exceed the pre-development runoff. See Sheet 5 of 6, Stormwater Management Plan.

Outfall channels north to a closed storm sewer system which discharges into a channel leading to the Potomac River. The proposed development will decrease the peak runoff rate and adequate outfall will exist. *See* Sheet 5 of 6, Stormwater Management Plan.

14. Landscaping

TD Bank exceeds the local jurisdiction's requirements for greenspace. In this case, the County requires tree canopy in the amount 2,960 square feet, combined with tree preservation and tree plantings. The proposed vegetation will include preservation of some greenspace as well as the planting of large shade trees, large ornamental trees, and medium evergreens. The bank will provide 4,756 square feet of tree cover. This greenspace represents 14.87% of the site. Additionally, the bank will plant the areas surrounding the bank with grass and low shrubbery. See Sheet 4 of 6, landscaping plan. As requested by Urban Forestry Staff the five white pine trees along the southeastern corner of the property will be preserved and additional plants will be provided for erosion control. In addition the applicant will preserve existing plantings along the northern property line. Offsite trees with critical root zones within the subject property's limits of clearing and grading will have root pruning performed along the limits of the work. Tree protection fencing will be installed in accordance with Fairfax County Public Facilities Manual.

Lori K. Murphy

Attorney and Agent for the Applicant

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County of Fairfax, Virginia

MEMORANDUM

DATE:

April 23, 2012

TO:

Megan Brady, Staff Coordinator

Zoning Evaluation Division

Department of Planning and Zoning

FROM:

Sharad Regmi, Stormwater Engineer

Site Development and Inspections Division

Department of Public Works and Environmental Services

SUBJECT:

Special Exception Application # SE 2012-DR-003, TD Bank, SE Plat dated

3/01/2012, LDS Project # 21868-ZONA-001-1, Tax Map # 031-3-01-0012-

A & 0016-A, Dranesville District

We have reviewed the subject application and offer the following stormwater management comments.

Chesapeake Bay Preservation Ordinance (CBPO)

There is no Resource Protection Area (RPA) on this site. Water quality controls are required for this redevelopment (PFM 6-0401.2B) project (PFM 6-0401.1, CBPO 118-3-2(f)(2)).

Applicant indicates to provide BMP with a tree box filter. Applicants needs to demonstrate on the plat that overall 10% phosphorus removal will be achieved with the proposed BMP.

Floodplain

There are no regulated floodplains on the property.

Downstream Drainage Complaints

There are no recent downstream drainage complaints on file.

Stormwater Detention

Applicant indicates that there will be a decrease in stormwater runoff from the site. Stormwater detention is not required, if there is a decrease in stormwater runoff from the site (LTI 21-88).



Megan Brady, Staff Coordinator Special Exception Application # SE 2012-DR-003, TD Bank April 23, 2012 Page 2 of 2

Site Outfall

An outfall narrative has been provided, however, applicant needs to demonstrate capacity and non-erosive velocities of the downstream drainage system to the point at which the total drainage area is at least 100 times greater than the development site (ZO 9-011.2J).

Please contact me at 703-324-1720 if you require additional information.

cc: Don Demetrius, Chief, Watershed Evaluation Branch, SPD, DPWES Shahab Baig, Chief, SDID-North, DPWES Zoning Application File



County of Fairfax, Virginia

MEMORANDUM

DATE: May 15, 2012

TO:

Barbara Berlin, Director

Zoning Evaluation Division

Department of Planning and Zoning

FROM:

Angela Kadar Rodeheaver, Chief

Site Analysis Section

Department of Transportation

FILE:

3-5 (SE 2012-DR-003)

SUBJECT:

Transportation Impact

REFERENCE:

SE 2012-DR-003 TD Bank, N.A., Old Dominion Dr.

Traffic Zone: 1464

Land Identification Map: 31-3 ((1)) 112A, 116A pt.

Transmitted herewith are the comments from the Department of Transportation with respect to the referenced application. These comments are based on a plat made available to this office dated December 12, 2011, and revised through March 1, 2012. The applicant proposes a financial institution on approximately 3000 square feet with a two-lane remote drive-through. The bank will be open seven days a week with the number of employees at any one time not to exceed nine.

- Relocate the dumpster closer to the building, and add back to site the loading space that was removed since it is the loading space for the entire shopping center.
- Widen the drive-through aisles at the beginning of the drive-through to a minimum of 20 feet.
- The sidewalk in lieu of a trail is permitted. The sidewalk not in ROW is maintained by the shopping center owner. The sidewalk within ROW may be maintained by the owner with a maintenance agreement with VDOT.
- The entrance at the signal should be 30 feet to 40 feet in width. VDOT has suggested 36 feet.
- VDOT has requested that the painted median be replaced with a raised median four feet in width where possible.
- VDOT wants signal heads added for vehicles in and out of the shopping center.
- A VDOT throat length waiver is required at the entrance at the signal. This should be applied for as soon as possible, if it has not already been submitted.

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COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

GREGORY A. WHIRLEY COMMISSIONER

4975 Alliance Drive Fairfax, VA 22030

May 14, 2012

To:

Ms. Barbara Berlin

Director, Zoning Evaluation Division

From:

Noreen H. Maloney

Virginia Department of Transportation – Land Development Section

Subject: SE 2012-DR-003; TD Bank

All submittals subsequent to the first submittal shall provide a response letter to the previous VDOT comments. Submittals without comment response letters are considered incomplete and will be returned without review.

This office has reviewed the subject application and offers the following comments.

- Entrances along Old Dominion Drive should be consolidated.
- Waivers and Exceptions should be approved prior to zoning approval.



County of Fairfax, Virginia

MEMORANDUM

April 26, 2012

TO:

Megan Brady, Staff Coordinator

Zoning Evaluation Division, DPZ

FROM:

Craig Herwig, Urban Forester III

Forest Conservation Branch, DPWES

SUBJECT:

TD Bank, NA, SE 2012-DR-003

RE:

Request for assistance dated April 16, 2012

This review is based upon the Special Exception Application SE 2012-DR-003 stamped "Received, Department of Planning and Zoning, February 10, 2012" and the Special Exception Plat stamped "Received, Department of Planning and Zoning March 7, 2012." A site visit was conducted on April 18, 2012.

1. Comment: The Tree Preservation Narrative states that no trees are to remain on site and a deviation to the tree preservation target is requested on sheet 4. The Tree Preservation Target Calculation and Statement on sheet 4 indicates the tree preservation target will be met.

Recommendation: The Applicant should clarify if the tree preservation target will be met and a request to deviate from the tree preservation target is necessary.

2. Comment: Table 12.12, the 10-year tree canopy calculation worksheet indicates 1920 square feet of canopy meeting the standards of 12-200 will be preserved to meet the tree preservation target. It is unclear where the 1920 square feet of canopy is located.

Recommendation: The area being claimed for tree preservation credit should be shaded and labeled, indicating the square footage of tree canopy claimed for each tree preservation area.

3. Comment: The existing vegetation map is unclear. Several areas identified in the Existing Vegetation Map Legend contain no vegetation. The landscaped tree canopy does not include all primary species of trees located on this site.

Recommendation: Provide an EVM that depicts the location of any cover types in PFM Table 12.2 and one that meets the requirements of Zoning Ordinance of Chapter

> Department of Public Works and Environmental Services Land Development Services, Urban Forest Management Division 12055 Government Center Parkway, Suite 518

Fairfax, Virginia 22035-5503

Phone 703-324-1770, TTY: 703-324-1877, Fax: 703-803-7769 www.fairfaxcounty.gov/dpwes





TD Bank, NA SE 2012-DR-003 April 26, 2012 Page **2** of **3**

112, Article 20 and PFM 12-0506. The EVM submitted with the Special Exception must accurately delineate all area of tree canopy and cover types and include all other required elements of the Zoning Ordinance and Public Facilities Manual.

4. Comment: It is unclear how the Interior Parking Lot Landscape requirements will be met for this site. Interior Parking Lot Landscape calculations have not been provided.

Recommendation: Interior Parking Lot Landscape calculations and graphical illustrations should be provided on the SE plat demonstrating how the Interior Parking Lot Landscape requirements are being met for the entire site.

5. Comment: It is unclear how the Peripheral Parking Lot Landscape requirements will be met for this site. Peripheral Parking Lot Landscape calculations have not been provided.

Recommendation: Peripheral Parking Lot Landscape calculations and graphical illustrations should be provided on the SE plat demonstrating how the Peripheral Parking Lot Landscape requirements are being met for this site

6. Comment: It appears the Applicant is requesting a waiver of the Peripheral Parking Lot Landscaping requirements in the SE Application. No request for a waiver of Peripheral Parking Lot Landscape appears on the SE plat.

Recommendation: A justification to waive the Peripheral Parking Lot Landscape requirements should be provided as part of the SE application and plat.

7. Comment: The proposed limits of development along the eastern property boundary will provide minimal preservation opportunities for the off-site white pine and black locust trees located adjacent to the eastern property boundary.

Recommendation: A 10-foot wide undisturbed buffer should be provided along the eastern property boundary, adjacent to the off-site white pine and black locust trees to protect the trees from construction damage.

8. Comment: Preliminary limits of clearing and grading have not be provided on the SE plat.

Recommendation: The Applicant should provide proposed preliminary limits of clearing and grading to allow UFMD staff to make recommendations regarding tree preservation opportunities for this site.

9. Comment: There appear to be 4 white pine trees, identified as in good condition, located at the southeast corner of the property, proposed for removal to provide space for a proposed trash enclosure.



TD Bank, NA SE 2012-DR-003 April 26, 2012 Page **3** of **3**

Recommendation: Because of the limited mature canopy proposed for preservation on this site, staff from the UFMD recommends these trees be considered a priority for preservation.

10. Comment: It does not appear that all proposed and existing public utilities have been identified.

Recommendation: Easements for all proposed and existing public utilities should be shown and identified on the SE plat.

Please feel free to contact me at 703-324-1770 if you have any further questions or concerns

CSH/

UFMID #: 169520

cc:

RA File

DPZ File



County of Fairfax, Virginia

MEMORANDUM

DATE:

May 8, 2012

TO:

Meagan Brady

Zoning Evaluation Division

Department of Planning and Zoning

FROM:

Gilbert Osei-Kwadwo, P.E.

Engineering Analysis and Planning Branch

SUBJECT:

Sanitary Sewer Analysis Report

REF:

Application No. SE 2012-DR-003

Tax Map No. 031-3-((01))- 0112A, 0116A pt.

The above referenced zoning application will not have any adverse impact on the use of any sanitary sewer facility.





www.fairfaxcounty.gov/dpwes

COMMERCIAL DISTRICT REGULATIONS

PART 5 4-500 C-5 NEIGHBORHOOD RETAIL COMMERCIAL DISTRICT

4-501 Purpose and Intent

The C-5 District is established to provide locations for convenience shopping facilities in which those retail commercial uses shall predominate that have a neighborhood-oriented market of approximately 5000 persons, and which supply necessities that usually require frequent purchasing and with a minimum of consumer travel. Typical uses to be found in the Neighborhood Retail Commercial District include a food supermarket, drugstore, personal service establishments, small specialty shops, and a limited number of small professional offices.

Areas zoned for the C-5 District should be located so that their distributional pattern throughout the County reflects their neighborhood orientation. They should be designed to be an integral, homogeneous component of the neighborhoods they serve, oriented to pedestrian traffic as well as vehicular. The district should not be located in close proximity to other retail commercial uses.

Because of the nature and location of the Neighborhood Retail Commercial District, they should be encouraged to develop in compact centers under a unified design that is architecturally compatible with the neighborhood in which they are located. Further, such districts should not be so large or broad in scope of services as to attract substantial trade from outside the neighborhood. Generally, the ultimate size of a C-5 District in a given location in the County should not exceed an aggregate gross floor area of 100,000 square feet or an aggregate site size of ten (10) acres.

4-502 Permitted Uses

- 1. Accessory uses as permitted by Article 10.
- 2. Business service and supply service establishments.
- 3. Churches, chapels, temples, synagogues and other such places of worship.
- 4. Colleges, universities.
- 5. Commercial swimming pools, tennis courts and similar courts, indoor.
- 6. Community clubs, centers and meeting halls.
- 7. Cultural centers, museums.
- 8. Drive-in financial institutions, limited by the provisions of Sect. 505 below.
- 9. Drive-through pharmacy, limited by the provisions of Sect. 505 below.
- 10. Eating establishments.
- 11. Fast food restaurants, limited by the provisions of Sect. 505 below.
- 12. Financial institutions.

FAIRFAX COUNTY ZONING ORDINANCE

- 13. Funeral chapels.
- 14. Garment cleaning establishments.
- 15. Health clubs.
- 16. Kennels, limited by the provisions of Sect. 505 below.
- 17. Mobile and land based telecommunication facilities, subject to the provisions of Sect. 2-514.
- 18. Offices, limited by the provisions of Sect. 505 below.
- 19. Parking, commercial off-street, as a principal use.
- 20. Personal service establishments.
- 21. Private clubs and public benefit associations.
- 22. Private schools of general education, private schools of special education.
- 23. Public uses.
- 24. Quasi-public athletic fields and related facilities, limited by the provisions of Sect. 505 below.
- 25. Quick-service food stores, limited by the provisions of Sect. 505 below.
- 26. Repair service establishments.
- 27. Retail sales establishments.
- 28. Telecommunication facilities.
- 29. Veterinary hospitals.

4-503 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

- 1. Group 3 Institutional Uses, limited to:
 - A. Churches, chapels, temples, synagogues and other such places of worship with a child care center or nursery school
 - B. Convents, monasteries, seminaries and nunneries
- 2. Group 4 Community Uses, limited to:

COMMERCIAL DISTRICT REGULATIONS

- A. Community swimming pools and archery ranges
- B. Marinas, docks and boating facilities of a private, nonprofit nature
- C. Swimming clubs and tennis clubs/courts
- D. Any other recreational or social use, operated by a nonprofit organization, where membership thereto is limited to residents of nearby residential areas
- 3. Group 5 Commercial Recreation Uses, limited to:
 - A. Billiard and pool halls
 - B. Commercial swimming pools, tennis courts and similar courts, outdoor
 - C. Indoor archery ranges, fencing and other similar indoor recreational uses
 - D. Miniature golf courses, indoor
 - E. Skating facilities, indoor
- 4. Group 8 Temporary Uses.

4-504 Special Exception Uses

For specific Category uses, regulations and standards, refer to Article 9.

- 1. Category 1 Light Public Utility Uses.
- 2. Category 3 Quasi-Public Uses, limited to:
 - A. Alternate uses of public facilities
 - B. Child care centers and nursery schools
 - C. Churches, chapels, temples, synagogues and other such places of worship with a child care center or nursery school
 - D. Conference centers and retreat houses, operated by a religious or nonprofit organization
 - E. Dormitories, fraternity/sorority houses, rooming/boarding houses, or other residence halls
 - F. Medical care facilities
 - G. Quasi-public parks, playgrounds, athletic fields and related facilities
- 3. Category 4 Transportation Facilities, limited to:

FAIRFAX COUNTY ZONING ORDINANCE

- A. Electrically-powered regional rail transit facilities
- B. Regional non-rail transit facilities
- 4. Category 5 Commercial and Industrial Uses of Special Impact, limited to:
 - A. Automobile-oriented uses
 - B. Baseball hitting and archery ranges, outdoor
 - C. Car washes
 - D. Commercial off-street parking in Metro Station areas as a temporary use
 - E. Drive-in financial institutions
 - F. Drive-through pharmacy
 - G. Fast food restaurants
 - H. Golf courses, country clubs
 - I. Golf driving ranges
 - J. Marinas, docks and boating facilities, commercial
 - K. Miniature golf courses ancillary to golf driving ranges
 - L. Offices
 - M. Quick-service food stores
 - N. Service stations
 - O. Service station/mini-marts
 - P. Truck rental establishments
 - Q. Vehicle light service establishments

4-505 Use Limitations

- 1. Fast food restaurants, drive-in financial institutions and quick-service food stores shall be permitted by right in accordance with the following:
 - A. Fast food restaurants without any drive-through facilities shall be permitted by right:
 - (1) When located in a shopping center, and the fast food restaurant does not occupy (a) more than 1500 square feet of gross floor area and (b) more than

COMMERCIAL DISTRICT REGULATIONS

thirty-five (35) percent of the gross floor area of the building in which located: or

- (2) When located in a shopping center of 25,000 square feet or more of gross floor area, the fast food restaurant may occupy more than 1500 square feet but not to exceed 2500 square feet of gross floor area, provided that the fast food restaurant does not occupy more than twenty-five (25) percent of the gross floor area of the building in which located.
- B. Fast food restaurants, other than those permitted under Par. 1A above, drive-in financial institutions, and quick-service food stores shall be permitted by right when:
 - (1) Such use is located within a building of a shopping center, which building contains at least six (6) other uses which are not fast food restaurants, other than those permitted by Par. 1A above, drive-in financial institutions, or quick-service food stores; and
 - (2) All uses within that building are connected by party walls or partitions to form one continuous structure.
- C. For all of the above, the shopping center and the building in which such drive-in financial institution, fast food restaurant, or quick-service food store is located shall be subject to an approved unified site plan. In addition, vehicular access to the use shall be provided only via the internal circulation system of the shopping center.

Drive-in financial institutions, fast food restaurants and quick-service food stores which do not meet the limitations set forth above may be allowed by special exception in accordance with the provisions of Article 9.

- 2. All business, service, storage, and display of goods shall be permitted only on the same lot with and ancillary to a permitted, special permit or special exception use. Except for 250 square feet of accessory outdoor storage and display in accordance with Sect. 17-104, the outdoor area devoted to storage, loading and display of goods shall be limited to that area so designated on an approved site plan. The outdoor storage and display of all goods shall be subject to Sect. 2-504 and shall be limited to goods that are customarily used outside such as fertilizers, peat moss, shrubbery, mulch and those goods permitted to be sold at a service station or service station/mini-mart.
- 3. All refuse shall be contained in completely enclosed facilities.
- 4. No separate business establishment shall occupy more than 6000 square feet of gross floor area, except one drugstore or other store of general merchandise may occupy up to 30,000 square feet, and a food supermarket may occupy up to 30,000 square feet of gross floor area.
- 5. All uses shall comply with the performance standards set forth in Article 14.

FAIRFAX COUNTY ZONING ORDINANCE

- 6. Except where expressly waived by the Director because of existing physical constraints, site configuration or safety considerations which would preclude strict compliance:
 - A. On a corner lot, no curb cut shall be located closer than sixty (60) feet to the curb line extended of the intersecting street.
 - B. No curb cut, except on a service drive, shall be located closer than twenty (20) feet to a side or rear lot line, unless a common curb cut serves adjacent uses, and in no instance shall the distance between separate curb cuts serving adjacent land uses be less than forty (40) feet.
 - C. Except where frontage is on a service drive, a freestanding use shall have no more than two (2) curb cuts on any single right-of-way, and such curb cuts shall have a minimum distance of forty (40) feet between them.
- 7. Offices shall be permitted only subject to the following:
 - A. The total gross floor area devoted to office shall not exceed thirty (30) percent of the maximum floor area permitted on the lot in accordance with the maximum floor area ratio for the district; provided that an increase in office use up to fifty (50) percent may be permitted by the Board in accordance with the provisions of Sect. 9-515.
- 8. Kennels and veterinary hospitals shall be permitted by right when located within a completely enclosed building which is adequately soundproofed and constructed so that there will be no emission of odor or noise detrimental to other property in the area. In addition, the Health Department shall approve the construction and operation of all veterinary hospitals prior to issuance of any Building Permit or Non-Residential Use Permit.
- 9. Quasi-public athletic fields and related facilities shall be permitted by right in accordance with the following:
 - A. Such use is not specifically precluded or regulated by any applicable proffered condition, development condition, special permit or special exception condition;
 - B. Such use shall be permitted on an interim basis for a period not to exceed five (5) years, provided, however, that upon request by the property owner, subsequent extensions of up to five (5) years each may be approved by the Board;
 - C. No structure or field shall be located within 100 feet of any adjoining property which is in an R district;
 - D. The use of lighting or loudspeakers for the athletic field or facility shall not be permitted;
 - E. Notwithstanding the provisions of Article 13, transitional screening shall not be required unless determined necessary by the Director;

COMMERCIAL DISTRICT REGULATIONS

- F. Parking to accommodate such use shall be provided on-site. In the event such use is to be located on-site with another use, the Director may allow existing off-street parking to serve such use provided the hours of operation of the two uses do not coincide; and
- G. There shall be a sign which identifies the athletic field as an interim use of the site. No such sign shall exceed thirty-two (32) square feet in area or be less than ten (10) square feet in area, exceed eight (8) feet in height or be located closer than five (5) feet to any street line.
- 10. Drive-through pharmacies shall be permitted by right (a) when located on a lot which is not abutting or not across a local or collector street from residentially zoned land, which land is either developed with dwellings or vacant; (b) when the lot is designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation and parking; and (c) when there are adequate parking and stacking spaces for the use which are provided and located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the lot. Drive-through pharmacies which do not meet these limitations may be allowed by special exception in accordance with the provisions of Article 9.

In addition, signs shall be required to be posted in the vicinity of the stacking area stating the limitations on the use of the window service and/or drive-through lane. Such signs shall not exceed two (2) square feet in area or be located closer than five (5) feet to any lot line.

4-506 Lot Size Requirements

1. Minimum lot area: 40,000 sq. ft.

2. Minimum lot width: 200 feet

3. The minimum lot size requirements may be waived by the Board in accordance with the provisions of Sect. 9-610.

4-507 Bulk Regulations

1. Maximum building height: 40 feet

2. Minimum yard requirements

A. Front yard: Controlled by a 45° angle of bulk plane, but not less than 40 feet

B. Side yard: No Requirement

C. Rear yard: 20 feet

3. Maximum floor area ratio: 0.30

4. Refer to Sect. 13-301 for provisions that may qualify the minimum yard requirements set forth above.

FAIRFAX COUNTY ZONING ORDINANCE

4-508 Open Space

20% of the gross area shall be landscaped open space

4-509 Additional Regulations

- 1. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above.
- 2. Refer to Article 11 for off-street parking, loading and private street requirements.
- 3. Refer to Article 12 for regulations on signs.
- 4. Refer to Article 13 for landscaping and screening requirements.
- 5. Refer to Article 17 for uses and developments which are subject to site plan provisions.

SPECIAL EXCEPTION STANDARDS

General Standards (Sect. 9-006)

In addition to the specific standards set forth hereinafter with regard to particular special exception uses, all such uses shall satisfy the following general standards:

- 1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
- 2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
- 3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
- 4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
- 5. In addition to the standards which may be set forth in this Article for a particular category or use, the Board shall require landscaping and screening in accordance with the provisions of Article 13.
- 6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
- 7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
- 8. Signs shall be regulated by the provisions of Article 12; however, the Board may impose more strict requirements for a given use than those set forth in this Ordinance.

Standards for all Category 5 Uses (Sect. 9-503)

In addition to the general standards set forth in Sect. 006 above, all Category 5 special exception uses shall satisfy the following standards:

- 1. Except as qualified in the following Sections, all uses shall comply with the lot size and bulk regulations of the zoning district in which located.
- 2. All uses shall comply with the performance standards specified for the zoning district in which located, including the submission of a sports illumination plan or photometric plan as may be required by Part 9 of Article 14.
- 3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.

Additional Standards for Automobile-Oriented Uses, Car Washes, Drive-In Financial Institutions, Drive-Through Pharmacies, Fast Food Restaurants, Quick-Service Food Stores, Service Stations and Service Stations/Mini-Marts (Sect. 9-505)

In all districts where permitted by special exception:

- A. Such a use shall have on all sides the same architectural features or shall be architecturally compatible with the building group or neighborhood with which it is associated.
- B. Such a use shall be designed so that pedestrian and vehicular circulation is coordinated with that on adjacent properties.
- C. The site shall be designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation. Parking and stacking spaces shall be provided and located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the site.
- D. In reviewing such a use or combination of uses, it shall be determined that the lot is of sufficient area and width to accommodate the use and that any such use will not adversely affect any nearby existing or planned residential areas as a result of the hours of operation, noise generation, parking, glare or other operational factors.
- E. For a drive-through pharmacy, signs shall be required to be posted in the vicinity of the stacking area stating the limitations on the use of the window service and/or drive-through lane. Such signs shall not exceed two (2) square feet in area or be located closer than five (5) feet to any lot line.

Provisions for Waiving Minimum Lot Size Requirements (Sect. 9-610)

The Board may approve, either in conjunction with the approval of a rezoning or as a special exception, the waiving of the minimum district size and/or lot width requirement for an R District, except for all cluster subdivisions, the minimum lot area and/or lot width requirements for a C district or the minimum district size requirement for the C-9 District, and the minimum district size, lot area and/or lot width requirements for an I district, but only in accordance with the following:

- 1. Such lot has not been reduced in width or area since the effective date of this Ordinance to a width or area less than required by this Ordinance.
- 2. The applicant shall demonstrate that the waiver results in a development that preserves existing vegetation, topography, historic resources and/or other environmental features; provides for reduced impervious surface; maintains or improves stormwater management systems; and/or similar demonstrable impact.

- 3. It shall be demonstrated that development of the subject lot will not have any deleterious effect on the existing or planned development of adjacent properties or on area roadways.
- 4. Such waiver shall be approved only if the remaining provisions of this Ordinance can be satisfied.

GLOSSARY

This Glossary is provided to assist the public in understanding the staff evaluation and analysis of development proposals. It should not be construed as representing legal definitions.

Refer to the Fairfax County Zoning Ordinance, Comprehensive Plan or Public Facilities Manual for additional information.

ABANDONMENT: Refers to road or street abandonment, an action taken by the Board of Supervisors, usually through the public hearing process, to abolish the public's right-of-passage over a road or road right-of way. Upon abandonment, the right-of-way automatically reverts to the underlying fee owners. If the fee to the owner is unknown, Virginia law presumes that fee to the roadbed rests with the adjacent property owners if there is no evidence to the contrary.

ACCESSORY DWELLING UNIT (OR APARTMENT): A secondary dwelling unit established in conjunction with and clearly subordinate to a single family detached dwelling unit. An accessory dwelling unit may be allowed if a special permit is granted by the Board of Zoning Appeals (BZA). Refer to Sect. 8-918 of the Zoning Ordinance.

AFFORDABLE DWELLING UNIT (ADU) DEVELOPMENT: Residential development to assist in the provision of affordable housing for persons of low and moderate income in accordance with the affordable dwelling unit program and in accordance with Zoning Ordinance regulations. Residential development which provides affordable dwelling units may result in a density bonus (see below) permitting the construction of additional housing units. See Part 8 of Article 2 of the Zoning Ordinance.

AGRICULTURAL AND FORESTAL DISTRICTS: A land use classification created under Chapter 114 or 115 of the Fairfax County Code for the purpose of qualifying landowners who wish to retain their property for agricultural or forestal use for use/value taxation pursuant to Chapter 58 of the Fairfax County Code.

BARRIER: A wall, fence, earthen berm, or plant materials which may be used to provide a physical separation between land uses. Refer to Article 13 of the Zoning Ordinance for specific barrier requirements.

BEST MANAGEMENT PRACTICES (BMPs): Stormwater management techniques or land use practices that are determined to be the most effective, practicable means of preventing and/or reducing the amount of pollution generated by nonpoint sources in order to improve water quality.

BUFFER: Graduated mix of land uses, building heights or intensities designed to mitigate potential conflicts between different types or intensities of land uses; may also provide for a transition between uses. A landscaped buffer may be an area of open, undeveloped land and may include a combination of fences, walls, berms, open space and/or landscape plantings. A buffer is not necessarily coincident with transitional screening.

CHESAPEAKE BAY PRESERVATION ORDINANCE: Regulations which the State has mandated must be adopted to protect the Chesapeake Bay and its tributaries. These regulations must be incorporated into the comprehensive plans, zoning ordinances and subdivision ordinances of the affected localities. Refer to Chesapeake Bay Preservation Act, Va. Code Section 10.1-2100 et seq and VR 173-02-01, Chesapeake Bay Preservation Area Designation and Management Regulations.

COUNTY 2232 REVIEW PROCESS: A public hearing process pursuant to Sect. 15.2-2232 (Formerly Sect. 15.1-456) of the Virginia Code which is used to determine if a proposed public facility not shown on the adopted Comprehensive Plan is in substantial accord with the plan. Specifically, this process is used to determine if the general or approximate location, character and extent of a proposed facility is in substantial accord with the Plan.

dBA: The momentary magnitude of sound weighted to approximate the sensitivity of the human ear to certain frequencies; the dBA value describes a sound at a given instant, a maximum sound level or a steady state value. See also Ldn.

DENSITY: Number of dwelling units (du) divided by the gross acreage (ac) of a site being developed in residential use; or, the number of dwelling units per acre (du/ac) except in the PRC District when density refers to the number of persons per acre.

DENSITY BONUS: An increase in the density otherwise allowed in a given zoning district which may be granted under specific provisions of the Zoning Ordinance when a developer provides excess open space, recreation facilities, or affordable dwelling units (ADUs), etc.

DEVELOPMENT CONDITIONS: Terms or conditions imposed on a development by the Board of Supervisors (BOS) or the Board of Zoning Appeals (BZA) in connection with approval of a special exception, special permit or variance application or rezoning application in a "P" district. Conditions may be imposed to mitigate adverse impacts associated with a development as well as secure compliance with the Zoning Ordinance and/or conformance with the Comprehensive Plan. For example, development conditions may regulate hours of operation, number of employees, height of buildings, and intensity of development.

DEVELOPMENT PLAN: A graphic representation which depicts the nature and character of the development proposed for a specific land area: information such as topography, location and size of proposed structures, location of streets trails, utilities, and storm drainage are generally included on a development plan. A development plan is s submission requirement for rezoning to the PRC District. A GENERALIZED DEVELOPMENT PLAN (GDP) is a submission requirement for a rezoning application for all conventional zoning districts other than a P District. A development plan submitted in connection with a special exception (SE) or special permit (SP) is generally referred to as an SE or SP plat. A CONCEPTUAL DEVELOPMENT PLAN (CDP) is a submission requirement when filling a rezoning application for a P District other than the PRC District; a CDP characterizes in a general way the planned development of the site. A FINAL DEVELOPMENT PLAN (FDP) is a submission requirement following the approval of a conceptual development plan and rezoning application for a P District other than the PRC District; an FDP further details the planned development of the site. See Article 16 of the Zoning Ordinance.

EASEMENT: A right to or interest in property owned by another for a specific and limited purpose. Examples: access easement, utility easement, construction easement, etc. Easements may be for public or private purposes.

ENVIRONMENTAL QUALITY CORRIDORS (EQCs): An open space system designed to link and preserve natural resource areas, provide passive recreation and protect wildlife habitat. The system includes stream valleys, steep slopes and wetlands. For a complete definition of EQCs, refer to the Environmental section of the Policy Plan for Fairfax County contained in Vol. 1 of the Comprehensive Plan.

ERODIBLE SOILS: Soils that wash away easily, especially under conditions where stormwater runoff is inadequately controlled. Silt and sediment are washed into nearby streams, thereby degrading water quality.

FLOODPLAIN: Those land areas in and adjacent to streams and watercourses subject to periodic flooding; usually associated with environmental quality corridors. The 100 year floodplain drains 70 acres or more of land and has a one percent chance of flood occurrence in any given year.

FLOOR AREA RATIO (FAR): An expression of the amount of development intensity (typically, non-residential uses) on a specific parcel of land. FAR is determined by dividing the total square footage of gross floor area of buildings on a site by the total square footage of the site itself.

FUNCTIONAL CLASSIFICATION: A system for classifying roads in terms of the character of service that individual facilities are providing or are intended to provide, ranging from travel mobility to land access. Roadway system functional classification elements include Freeways or Expressways which are limited access highways, Other Principal (or Major) Arterials, Minor Arterials, Collector Streets, and Local Streets. Principal arterials are designed to accommodate travel; access to adjacent properties is discouraged. Minor arterials are designed to serve both through traffic and local trips. Collector roads and streets link local streets and properties with the arterial network. Local streets provide access to adjacent properties.

GEOTECHNICAL REVIEW: An engineering study of the geology and soils of a site which is submitted to determine the suitability of a site for development and recommends construction techniques designed to overcome development on problem soils, e.g., marine clay soils.

HYDROCARBON RUNOFF: Petroleum products, such as motor oil, gasoline or transmission fluid deposited by motor vehicles which are carried into the local storm sewer system with the stormwater runoff, and ultimately, into receiving streams; a major source of non-point source pollution. An oil-grit separator is a common hydrocarbon runoff reduction method.

IMPERVIOUS SURFACE: Any land area covered by buildings or paved with a hard surface such that water cannot seep through the surface into the ground.

INFILL: Development on vacant or underutilized sites within an area which is already mostly developed in an established development pattern or neighborhood.

INTENSITY: The magnitude of development usually measured in such terms as density, floor area ratio, building height, percentage of impervious surface, traffic generation, etc. Intensity is also based on a comparison of the development proposal against environmental constraints or other conditions which determine the carrying capacity of a specific land area to accommodate development without adverse impacts.

Ldn: Day night average sound level. It is the twenty-four hour average sound level expressed in A-weighted decibels; the measurement assigns a "penalty" to night time noise to account for night time sensitivity. Ldn represents the total noise environment which varies over time and correlates with the effects of noise on the public health, safety and welfare.

LEVEL OF SERVICE (LOS): An estimate of the effectiveness of a roadway to carry traffic, usually under anticipated peak traffic conditions. Level of Service efficiency is generally characterized by the letters A through F, with LOS-A describing free flow traffic conditions and LOS-F describing jammed or grid-lock conditions.

MARINE CLAY SOILS: Soils that occur in widespread areas of the County generally east of Interstate 95. Because of the abundance of shrink-swell clays in these soils, they tend to be highly unstable. Many areas of slope failure are evident on natural slopes. Construction on these soils may initiate or accelerate slope movement or slope failure. The shrink-swell soils can cause movement in structures, even in areas of flat topography, from dry to wet seasons resulting in cracked foundations, etc. Also known as slippage soils.

OPEN SPACE: That portion of a site which generally is not covered by buildings, streets, or parking areas. Open space is intended to provide light and air, open space may be function as a buffer between land uses or for scenic, environmental, or recreational purposes.

OPEN SPACE EASEMENT: An easement usually granted to the Board of Supervisors which preserves a tract of land in open space for some public benefit in perpetuity or for a specified period of time. Open space easements may be accepted by the Board of Supervisors, upon request of the land owner, after evaluation under criteria established by the Board. See Open Space Land Act, Code of Virginia, Sections 10.1 1700, et seq.

P DISTRICT: A "P" district refers to land that is planned and/or developed as a Planned Development Housing (PDH) District, a Planned Development Commercial (PDC) District or a Planned Residential Community (PRC) District. The PDH, PDC and PRC Zoning Districts are established to encourage innovative and creative design for land development; to provide ample and efficient use of open space; to promote a balance in the mix of land uses, housing types, and intensity of development; and to allow maximum flexibility in order to achieve excellence in physical, social and economic planning and development of a site. Refer to Articles 6 and 16 of the Zoning Ordinance.

PROFFER: A written condition, which, when offered voluntarily by a property owner and accepted by the Board of Supervisors in a rezoning action, becomes a legally binding condition which is in addition to the zoning district regulations applicable to a specific property. Proffers are submitted and signed by an owner prior to the Board of Supervisors public hearing on a rezoning application and run with the land. Once accepted by the Board, proffers may be modified only by a proffered condition amendment (PCA) application or other zoning action of the Board and the hearing process required for a rezoning application applies. See Sect. 15.2-2303 (formerly 15.1-491) of the Code of Virginia.

PUBLIC FACILITIES MANUAL (PFM): A technical text approved by the Board of Supervisors containing guidelines and standards which govern the design and construction of site improvements incorporating applicable Federal, State and County Codes, specific standards of the Virginia Department of Transportation and the County's Department of Public Works and Environmental Services.

RESOURCE MANAGEMENT AREA (RMA): That component of the Chesapeake Bay Preservation Area comprised of lands that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

RESOURCE PROTECTION AREA (RPA): That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline or water's edge that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation of the quality of state waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments from runoff entering the Bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources. New development is generally discouraged in an RPA. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

SITE PLAN: A detailed engineering plan, to scale, depicting the development of a parcel of land and containing all information required by Article 17 of the Zoning Ordinance. Generally, submission of a site plan to DPWES for review and approval is required for all residential, commercial and industrial development except for development of single family detached dwellings. The site plan is required to assure that development complies with the Zoning Ordinance.

SPECIAL EXCEPTION (SE) / SPECIAL PERMIT (SP): Uses, which by their nature, can have an undue impact upon or can be incompatible with other land uses and therefore need a site specific review. After review, such uses may be allowed to locate within given designated zoning districts if appropriate and only under special controls, limitations, and regulations. A special exception is subject to public hearings by the Planning Commission and Board of Supervisors with approval by the Board of Supervisors; a special permit requires a public hearing and approval by the Board of Zoning Appeals. Unlike proffers which are voluntary, the Board of Supervisors or BZA may impose reasonable conditions to assure, for example, compatibility and safety. See Article 8, Special Permits and Article 9, Special Exceptions, of the Zoning Ordinance.

STORMWATER MANAGEMENT: Engineering practices that are incorporated into the design of a development in order to mitigate or abate adverse water quantity and water quality impacts resulting from development. Stormwater management systems are designed to slow down or retain runoff to re-create, as nearly as possible, the pre-development flow conditions.

SUBDIVISION PLAT: The engineering plan for a subdivision of land submitted to DPWES for review and approved pursuant to Chapter 101 of the County Code.

TRANSPORTATION DEMAND MANAGEMENT (TDM): Actions taken to reduce single occupant vehicle automobile trips or actions taken to manage or reduce overall transportation demand in a particular area.

TRANSPORTATION SYSTEM MANAGEMENT (TSM) PROGRAMS: This term is used to describe a full spectrum of actions that may be applied to improve the overall efficiency of the transportation network. TSM programs usually consist of low-cost alternatives to major capital expenditures, and may include parking management measures, ridesharing programs, flexible or staggared work hours, transit promotion or operational improvements to the existing roadway system. TSM includes Transportation Demand Management (TDM) measures as well as H.O.V. use and other strategies associated with the operation of the street and transit systems.

URBAN DESIGN: An aspect of urban or suburban planning that focuses on creating a desirable environment in which to live, work and play. A well-designed urban or suburban environment demonstrates the four generally accepted principles of design: clearly identifiable function for the area; easily understood order; distinctive identity; and visual appeal.

VACATION: Refers to vacation of street or road as an action taken by the Board of Supervisors in order to abolish the public's right-of-passage over a road or road right-of-way dedicated by a plat of subdivision. Upon vacation, title to the road right-of-way transfers by operation of law to the owner(s) of the adjacent properties within the subdivision from whence the road/road right-of-way originated.

VARIANCE: An application to the Board of Zoning Appeals which seeks relief from a specific zoning regulation such as lot width, building height, or minimum yard requirements, among others. A variance may only be granted by the Board of Zoning Appeals through the public hearing process and upon a finding by the BZA that the variance application meets the required Standards for a Variance set forth in Sect. 18-404 of the Zoning Ordinance.

WETLANDS: Land characterized by wetness for a portion of the growing season. Wetlands are generally delineated on the basis of physical characteristics such as soil properties indicative of wetness, the presence of vegetation with an affinity for water, and the presence or evidence of surface wetness or soil saturation. Wetland environments provide water quality improvement benefits and are ecologically valuable. Development activity in wetlands is subject to permitting processes administered by the U.S. Army Corps of Engineers

TIDAL WETLANDS: Vegetated and nonvegetated wetlands as defined in Chapter 116 Wetlands Ordinance of the Fairfax County Code: includes tidal shores and tidally influenced embayments, creeks, and tributaries to the Occoquan and Potomac Rivers. Development activity in tidal wetlands may require approval from the Fairfax County Wetlands Board.

Abbreviations Commonly Used in Staff Reports

	A&F		Agricultural & Forestal District	PDH	Planned Development Housing
	ADU		Affordable Dwelling Unit	PFM	Public Facilities Manual
	ARB		Architectural Review Board	PRC	Planned Residential Community
	BMP .		Best Management Practices	RC	Residential-Conservation
	BOS		Board of Supervisors	RE	Residential Estate
	BZA		Board of Zoning Appeals	RMA	Resource Management Area
	COG		Council of Governments	RPA	Resource Protection Area
	CBC .		Community Business Center	RUP	Residential Use Permit
	CDP		Conceptual Development Plan	.RZ.	Rezoning
	CRD		Commercial Revitalization District	SE	Special Exception
	DOT		Department of Transportation	SEA	Special Exception Amendment
	DP		Development Plan	SP	Special Permit
	DPWES		Department of Public Works and Environmental Services	TDM	Transportation Demand Management
	DPZ		Department of Planning and Zoning	TMA	Transportation Management Association
	DUIAC		Dwelling Units Per Acre	TSA	Transit Station Area
	EQC		Environmental Quality Corridor	TSM	Transportation System Management
	FAR		Floor Area Ratio	UP & DD	Utilities Planning and Design Division, DPWES
	FDP.		Final Development Plan	VC	Variance
	GDP		Generalized Development Plan	VDOT	Virginia Dept. of Transportation
٠	GFA		Gross Floor Area	VPD.	Vehicles Per Day
	HC		Highway Corridor Overlay District	VPH ·	Vehicles per Hour
	HCD	÷	Housing and Community Development	WMATA	Washington Metropolitan Area Transit Authority
	LOS		Level of Service	WS	Water Supply Protection Overlay District
	Non-RUP		Non-Residential Use Permit	ZAD	Zoning Administration Division, DPZ
	OSDS		Office of Site Development Services, DPWES	ZED	Zoning Evaluation Division, DPZ
	PCA		Proffered Condition Amendment	ZPRB .	Zoning Permit Review Branch
	PD		Planning Division		The state of the s
	PDC		Planned Development Commercial	y	